VILLAGE OF Hinsdale
Est. 1873

MEETING AGENDA

ZONING BOARD OF APPEALS
WEDNESDAY, July 20, 2016
6:30 P.M.
MEMORIAL HALL – MEMORIAL BUILDING
(Tentative & Subject to Change)

1. **CALL TO ORDER**

2. **ROLL CALL**

3. **APPROVAL OF MINUTES**
   a) Regular meeting of June 15, 2016

4. **APPROVAL OF FINAL DECISION**

5. **RECEIPT OF APPEARANCES**

6. **RECEIPT OF REQUESTS, MOTIONS, PLEADINGS, OR REQUESTS TO MAKE PUBLIC COMMENT OF A GENERAL NATURE**

7. **PRE-HEARING AND AGENDA SETTING**

8. **PUBLIC HEARINGS**
   a) V-03-16, 223 N. Garfield Street
   b) V-04-16, 33 S. Monroe Street

9. **NEW BUSINESS**

10. **OTHER BUSINESS**

11. **ADJOURNMENT**

The Village of Hinsdale is subject to the requirements of the Americans with Disabilities Act of 1990. Individuals with disabilities who plan to attend this meeting and who require certain accommodations in order to allow them to observe and/or participate in this meeting, or who have questions regarding the accessibility of the meeting or the facilities, are requested to contact Darrell Langlois, ADA Coordinator at 630-789-7014 or by TDD at **630-789-7022** promptly to allow the Village of Hinsdale to make reasonable accommodations for those persons.

www.villageofhinsdale.org

VILLAGE OF HINSDALE
ZONING BOARD OF APPEALS
MINUTES OF THE MEETING
June 15, 2016

1. CALL TO ORDER

Chairman Bob Neiman called the regularly scheduled meeting of the Zoning Board of Appeals to order Wednesday, June 15, 2016 at 6:30 p.m. in Memorial Hall of the Memorial Building, 19 E. Chicago Avenue, Hinsdale, Illinois.

2. ROLL CALL

Present: Members Marc Connelly, Gary Moberly, Keith Giltner, Rody Biggert, Kathryn Engel, John Podliska and Chairman Bob Neiman

Absent: None

Also Present: Director of Community Development/Building Commissioner Robb McGinnis and Village Clerk Christine Bruton

3. APPROVAL OF MINUTES

a) **Regular meeting of April 20, 2016**

Member Connelly noted a date error in the minutes. Member Engel moved to **approve the minutes of the regular meeting of April 20, 2016, as amended.** Member Podliska seconded the motion.

AYES: Members Connelly, Moberly, Giltner, Biggert, Engel, Podliska and Chairman Neiman
NAYS: None
ABSTAIN: None
ABSENT: None

Motion carried.

4. APPROVAL OF FINAL DECISION – None

5. RECEIPT OF APPEARANCES – None

6. RECEIPT OF REQUESTS, MOTIONS, PLEADINGS, OR REQUESTS TO MAKE PUBLIC COMMENT OF A GENERAL NATURE – None

7. PRE-HEARING AND AGENDA SETTING

a) **V-03-16, 223 N. Garfield Street**

Mr. Scott Pritchett, architect for the project, addressed the Board on behalf of the homeowner. He explained that the homeowner is remarrying and her

family is expanding. Currently, there is a small two-car garage on the property, and it is not in good shape. They would like to replace it with a three stall garage, more typical of the area. The lot is oddly shaped, and as a result if the garage is built according to code, it is over 100' feet from the back door. The proposed garage will be the same style as the current home, and will blend with the home and neighborhood.

Chairman Neiman asked if the variance is required because the owner wants a three-car garage, rather than a two-car garage. Mr. Pritchett said any new garage, conforming to the side yard setback requirements, would be an impediment. They considered a tandem garage, or turning the garage sideways, but sideways would make too much driveway. The existing garage is small and difficult to access, unattractive and inexpensively built.

Chairman Neiman said he appreciated that the applicant has addressed the approval criteria in detail, but is struggling with special privilege. He asked Mr. Pritchett to think about this, and address it next month at the public hearing. Member Moberly asked for evidence of neighbor support. Discussion of elevations, location of existing garages in the area, and tree preservation followed.

The public hearing was set for the next meeting of the Zoning Board of Appeals in July.

b) **V-04-16, 33 S. Monroe Street**

Mr. Robert Saunders, homeowner, addressed the Board. He explained they would like to replace an 85 year old dilapidated garage, which is beyond repair. He also noted that because of the age of the current garage, it is much smaller than a modern garage. They intend to build a new one that is complimentary to the home. Flanking both sides of existing garage are significant trees. A new structure would need to be 8.5' off the lot line; their arborist said that would endanger one or both of the pines on the property. If they wanted to put it in the back 20% of lot, it wouldn't allow for proper access from the alley. Chairman Neiman confirmed the access to the garage, if moved back, would be dangerous. Mr. Dennis Parsons, architect for the project, explained a 25' turnaround is recommended for side load garages. They would like to build a new garage with straight access. He also noted the proposed garage is under on FAR, lot coverage and height.

Member Podliska confirmed the trees are at risk because of construction. Mr. Saunders said he will bring letters of support from neighbors. Chairman Neiman instructed him to be prepared to address each of the approval criteria.

The public hearing was set for the next meeting of the Zoning Board of Appeals in July.

8. PUBLIC HEARINGS – None

9. NEW BUSINESS – None

10. OTHER BUSINESS – None

11. ADJOURNMENT

With no further business before the Zoning Board of Appeals, Member Engel made a motion to **adjourn the meeting of the Zoning Board of Appeals of June 15, 2016.** Member Biggert seconded the motion.

AYES: Members Connelly, Moberly, Giltner, Biggert, Engel, Podliska and Chairman Neiman
NAYS: None
ABSTAIN: None
ABSENT: None

Motion carried.

Chairman Neiman declared the meeting adjourned at 6:54 p.m.

_____ Approved: _____
Christine M. Bruton
Village Clerk

8a

MEMORANDUM

TO: **Chairman Neiman and Members of the Zoning Board of Appeals**

FROM: **Robert McGinnis MCP**
Director of Community Development/Building Commissioner

DATE: **June 8, 2016**

RE: **Zoning Variation – V-03-16; 223 N. Garfield Avenue**

In this application for variation, the applicant requests relief from the minimum side yard setback requirements set forth in section 3-110-D(2)(ii) for the construction of a detached garage. The applicant is requesting a 8.768' reduction in the required interior side yard from 10.768' to 2'.

This property is located in the R-4Residential District in the Village of Hinsdale and is located on the east side of Garfield between Hickory and Walnut. The property has a frontage of approximately 97.68', a depth of approximately 289.02', and a total square footage of approximately 26,695. The maximum FAR is approximately 7,339 square feet, the maximum allowable building coverage is 25% or approximately 6,674 square feet, and the maximum allowable lot coverage is 50% or approximately 13,348 square feet.

cc: Kathleen A. Gargano, Village Manager
Zoning file V-03-16

Zoning Calendar No. V-03-16

VILLAGE OF HINSDALE

APPLICATION FOR VARIATION

COMPLETE APPLICATION CONSISTS OF TEN (10) COPIES
(All materials to be collated)

VARIATION FILING FEE: $850.00

NAME OF APPLICANT(S): Beth Haming

ADDRESS OF SUBJECT PROPERTY: 223 N Garfield

TELEPHONE NUMBER(S): [redacted]

If Applicant is not the property owner, Applicant's relationship to the property owner: _____

DATE OF APPLICATION: 6/1/16

RECEIVED
CB 6/1/16

SECTION I

Please complete the following:

1. Owner. Name, address, and **telephone number** of owner: Beth Fleming, 223 N Garfield, Hinsdale, IL 60521. [redacted]

2. Trustee Disclosure. In the case of a land trust the name, address, and **telephone number** of all trustees and beneficiaries of the trust: _____

3. Applicant. Name, address, and **telephone number** of applicant, if different from owner, and applicant's interest in the subject property: _____

4. Subject Property. Address and legal description of the subject property: (Use separate sheet for legal description if necessary.) See addendum.

5. Consultants. Name and address of each professional consultant advising applicant with respect to this application:

   a. Attorney: _____

   b. Engineer: _____

   c. Architect: Architectural Design Services, 1321 Schiedler Dr, Batavia, IL 60510

   d. _____

6. Village Personnel. Name and address of any officer or employee of the Village with an interest in the Owner, the Applicant, or the Subject Property, and the nature and extent of that interest:

a. _____

b. _____

7. **Neighboring Owners. Submit with this application a list showing the name and address of each owner of (1) property within 250 lineal feet in all directions from the subject property; and (2) property located on the same frontage or frontages as the front lot line or corner side lot line of the subject property or on a frontage directly opposite any such frontage or on a frontage immediately adjoining or across an alley from any such frontage.**

See Addendum for responses to ## 7-12

After the Village has prepared the legal notice, the applicant/agent must mail by certified mail, "return receipt requested" to each property owner/ occupant. The applicant/agent must then fill out, sign, and notarize the "Certification of Proper Notice" form, returning that form and all certified mail receipts to the Village.

8. Survey. Submit with this application a recent survey, certified by a registered land surveyor, showing existing lot lines and dimensions, as well as all easements, all public and private rights-of-way, and all streets across and adjacent to the Subject Property.

9. Existing Zoning. Submit with this application a description or graphic representation of the existing zoning classification, use, and development of the Subject Property, and the adjacent area for at least 250 feet in all directions from the Subject Property.

10. Conformity. Submit with this application a statement concerning the conformity or lack of conformity of the approval being requested to the Village Official Comprehensive Plan and the Official Map. Where the approval being requested does not conform to the Official Comprehensive Plan or the Official Map, the statement should set forth the reasons justifying the approval despite such lack of conformity.

11. Zoning Standards. Submit with this application a statement specifically addressing the manner in which it is proposed to satisfy each standard that the Zoning Ordinance establishes as a condition of, or in connection with, the approval being sought.

Section II

12. Successive Application. In the case of any application being filed less than two years after the denial of an application seeking essentially the same relief, submit with this application a statement as required by Sections 11-501 and 11-601 of the Hinsdale Zoning Code.

SECTION II

When applying for a variation from the provisions of the Zoning Ordinance, you must provide the data and information required above, and in addition, the following:

1. Title. Evidence of title or other interest you have in the Subject Project, date of acquisition of such interest, and the specific nature of such interest.

2. Ordinance Provision. The specific provisions of the Zoning Ordinance from which a variation is sought:

3.10(d)(2)(ii)

3. Variation Sought. The precise variation being sought, the purpose therefor, and the specific feature or features of the proposed use, construction, or development that require a variation: (Attach separate sheet if additional space is needed.)

See Addendum A.

4. Minimum Variation. A statement of the minimum variation of the provisions of the Zoning Ordinance that would be necessary to permit the proposed use, construction, or development: (Attach separate sheet if additional space is needed.)

5. Standards for Variation. A statement of the characteristics of Subject Property that prevent compliance with the provisions of the Zoning Ordinance and the specific facts you believe

support the grant of the required variation. In addition to your general explanation, you must specifically address the following requirements for the grant of a variation:

(a) Unique Physical Condition. The Subject Property is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure of sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the Subject Property that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current lot owner.

(b) Not Self-Created. The aforesaid unique physical condition is not the result of any action or inaction of the owner, or of the owner's predecessors in title and known to the owner prior to acquisition of the Subject Property, and existed at the time of the enactment of the provisions from which a variation is sought or was created by natural forces or was the result of governmental action, other than the adoption of this Code, for which no compensation was paid.

(c) Denied Substantial Rights. The carrying out of the strict letter of the provision from which a variation is sought would deprive the owner of the Subject Property of substantial rights commonly enjoyed by owners of other lots subject to the same provision.

(d) Not Merely Special Privilege. The alleged hardship or difficulty is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely an inability to make more money from the use of the subject property; provided, however, that where the standards herein set out exist, the existence of an economic hardship shall not be a prerequisite to the grant of an authorized variation.

(e) Code and Plan Purposes. The variation would not result in a use or development of the Subject Property that would not be in harmony with the general and specific purposes for which this Code and the provision from which a variation is sought were enacted or the general purpose and intent of the Official Comprehensive Plan.

(f) Essential Character of the Area. The variation would not result in a use or development of the Subject Property that:

(1) Would be materially detrimental to the public welfare or materially injurious to the enjoyment, use development, or value of property of improvements permitted in the vicinity; or

(2) Would materially impair an adequate supply of light and air to the properties and improvements in the vicinity; or

(3) Would substantially increase congestion in the public streets due to traffic or parking; or

(4) Would unduly increase the danger of flood or fire; or

(5) Would unduly tax public utilities and facilities in the area; or

(6) Would endanger the public health or safety.

(g) No Other Remedy. There is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the Subject Project.
(Attach separate sheet if additional space is needed.)

_____

_____

_____

_____

_____

_____

SECTION III

In addition to the data and information required pursuant to any application as herein set forth, every Applicant shall submit such other and additional data, information, or documentation as the Village Manager or any Board of Commission before which its application is pending may deem necessary or appropriate to a full and proper consideration and disposition of the particular application.

1. A copy of preliminary architectural and/or surveyor plans showing the floor plans, exterior elevations, and site plan needs to be submitted with each copy of the zoning petitions for the improvements.

2. The architect or land surveyor needs to provide zoning information concerning the existing zoning; for example, building coverage, distance to property lines, and floor area ratio calculations and data on the plans or supplemental documents for the proposed improvements.

SECTION IV

1. Application Fee and Escrow. Every application must be accompanied by a nonfundable application fee of $25.00 plus an additional amount based on the specific relief sought as follows:

RESIDENTIAL PROPERTIES	
Appeal to the Zoning Board of Appeals	$1,075
Variation	$825
Fence Variation	$825
NONRESIDENTIAL PROPERTIES	
Appeal to the Zoning Board of Appeals	$1,075
Variation	$825
Fence Variation	$825

The applicant must also pay the costs of the court reporter's transcription fees and legal notices for the variation request. A separate invoice will be sent if these expenses are not covered by the escrow that was paid with the original application fees.

2. Additional Escrow Requests. Should the Village Manager at any time determine that the escrow account established in connection with any application is, or is likely to become, insufficient to pay the actual costs of processing such application, the Village Manager shall inform the Applicant of that fact and demand an additional deposit in an amount deemed by him to be sufficient to cover foreseeable additional costs. Unless and until such additional amount is deposited by the Applicant, the Village Manager may direct that processing of the application shall be suspended or terminated.

3. Establishment of Lien. The owner of the Subject Property, and if different, the Applicant, are jointly and severally liable for the payment of the application fee. By signing the applicant, the owner has agreed to pay said fee, and to consent to the filing and foreclosure of a lien against the Subject Property for the fee plus costs of collection, if the account is not settled within 30 days after the mailing of a demand for payment.

SECTION V

The owner states that he/she consents to the filing of this application and that all information contained herein is true and correct to the best of his/her knowledge.

Name of Owner: Beth Flaming

Signature of Owner: Beth Flaming

Name of Applicant: _____

Signature of Applicant: _____

Date: 6/1/16

Beth Flaming
223 North Garfield

Addendum

SECTION I

4. Subject Property. Parcel 1: The north half of Lot 5 in Block 4 in Alfred Walker's addition to town of Hinsdale, in the southeast quarter of Section 1, Township 38 North, Range 11, east of the third principal meridian, in DuPage County, Illinois.

Parcel 2: The south 9 feet of the west 118 feet of Lot 6 in Block 4 in Alfred Walker's addition to Hinsdale, in the southeast quarter of Section 1, Township 38 North, Range 11, east of the third principal meridian, in DuPage County, Illinois.

7. Neighboring Owners.

Roman Kuropas 31 East Walnut	George & Mary Casson 309 North Garfield	Jon E. & Mary Lou Fyrwald 126 East Hickory
Michael & Caryn Earley 35 East Walnut	Lawrence & Anne Emmons 216 North Garfield	Raymond & Melissa Temple 134 East Hickory
Beejal & Nirali Amin 107 East Walnut	Donald A. Brooks 222 North Garfield	Michael Meyer 113 East Hickory
Wayde & Anita Nagamine 115 East Walnut	Anne Pax 224 North Garfield	Richard L. & Holly Hetke 123 East Hickory
Benjamin G. Burnett 121 East Walnut	Dana Gapinski 306 North Garfield	Ram T. S. Ramakrishnan 212 North Park
Thomas & Carlotta Fey 127 East Walnut	Gilbert & Shirley Mitchell 36 East Hickory	M. Catherine Wiklund 220 North Park
James R. & Suzanne Werley 133 East Walnut	Dean & Rowena Stermer 112 East Hickory	Charles & Ruta Brigden 224 North Park
Gaurav & Kelly Yadava 211 North Garfield	Todd & Gina Bucciarelli 118 East Hickory	Michael & Julianne Early 230 North Park
Leonard & Pat Miller 215 North Garfield	Wexway LLC 7 South Lincoln Street Unit 7 (re: 118 East Hickory)	Ignazia R. M. Dalicandro 234 North Park

Brian & Elaheh Forsythe 233 North Garfield	S. Gary & Susan Kennon 122 East Hickory	

8. Survey. See attached.

9. Existing Zoning. R4 residential.

10. Conformity. The approval being requested conforms with the Village Official Comprehensive Plan and the Official Map except with respect to the side yard setback requirements, as more fully explained in response to Question 11 below.

11. Zoning Standards. See response to SECTION II, including SECTION II Section 5.

12. Successive Application. Not applicable.

SECTION II

1. Title. See attached. Todd and Beth Flaming purchased the Subject Property on June 25, 2003. On August 8, 2012, Todd Flaming conveyed all of his interest in the Subject Property to Beth Flaming.

2. Ordinance Provision. Section 3-110.D.2.(b)(i). This provision requires a minimum side yard of either 8' or 6' plus 10% of lot width in excess of 50', whichever is more.

Measured at its widest portion, the width of the Subject Property is 97.68'. Therefore, under this section, the minimum side yard required is 10.768'.

3. Variation Sought. The variation sought is for the minimum side yard required by a detached garage to be 2.0', instead of 10.768', on the north side of the Subject Property for the purposes of building a new garage.

4. Minimum variation. The minimum variation of the provisions of the Zoning Ordinance that would be necessary to permit the proposed use, construction or development is 8.768'.

5. Standards for Variation. The characteristics of the Subject Property that prevent compliance with the provisions of the Zoning Ordinance are two-fold. The shape of the Subject Property is such that the front (westernmost) 118' of the Subject Property is 9.0' wider than the east side of the Subject Property, so placing the garage 10.768' from the north property line in the eastern portion of the Subject Property would result in a 19.768' setback at the street front yard. This would also result in the taking of much of the narrow back yard and providing a 10.768'wide unusable side yard between the proposed garage and the back yard property line of the neighbors to the north. In addition, the Subject Property is unusually deep, such that placing a garage in the rear 20% of the property would mean that the garage would be 231.296' from the sidewalk—much further back than the detached garages of the other two houses on the east side

of Garfield Street between Walnut and Hickory (*i.e.*, 215 North Garfield and 211 North Garfield) and approximately 140' from the back door of the house.

(a) Unique Physical Condition. The Subject Property is exceptional in at least three respects: (1) it is 9.0' wider in front [West] than in back [East] and the 9.0' jog in the property occurs along the north property line, (2) it is 289.02' deep and (3) six of the eight lots[1] that are adjacent to the Subject Property have only backyards that abut the Subject Property.

There is an existing garage that is 6.14' from the north property line and, therefore, does not currently conform to the 10.768' requirement.

(b) Not Self-Created. The unique physical condition is not the result of any action or inaction of the owner, or of the owner's predecessors in title and known to the owner prior to acquisition of the Subject Property. To the knowledge of the owner, the unique physical condition existed at the time of the enactment of the provisions from which a variation is sought.

(c) Denied Substantial Rights. The carrying out of the strict letter of the requirements of Section 3-110.D.2.(b)(i) would deprive the owner of the Subject Property of the right to enjoy a significant portion of the backyard and leave a tract of useless land between the proposed new garage and neighbors' fences. Each foot of required setback would come from the usable portion of the backyard.

(d) Not Merely Special Privilege. The hardship is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely an inability to make more money from the use of the subject property. Instead, the variation would result in the placement of the owner on equal footing with neighbors, each of whom has a garage that is within a reasonable walking distance from the house and that is not in the middle of the backyard.

(e) Code and Plan Purposes. The variation would not result in a use or development of the Subject Property that would not be in harmony with the general and specific purposes for which the Code and Section 3-119.D.2.(b)(i) were enacted or the general purpose and intent of the Official Comprehensive Plan.

Setback requirements generally promote visually pleasing neighborhoods, allow for space and recreation outside the home and ensure the use of property does not infringe on the rights of neighbors. Requiring compliance with Section 3-119.D.2.(b)(i) would look anything but pleasing, since the garage would be nearly 20' from the property line as viewed from the street and the garage would be in the middle of the backyard cutting off much of the rear of the backyard and interfering with the view from the house. Putting the garage nearly 11' from the property line would create an unusable tract of land between the garage and the neighbors' fences and at the same time take away valuable usable space in the backyard south of the garage. Granting a variation would not at all infringe on the rights of any neighbors.

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[1] The exceptions are 215 North Garfield and 233 North Garfield, the houses to the immediate south and north of the Subject Property on Garfield Street.

(f) Essential Character of the Area. The variation would not result in a use or development of the Subject Property that: (i) would be materially detrimental to the public welfare or materially injurious to the enjoyment, use, development or value of property or improvements permitted in the vicinity; (ii) would materially impair an adequate supply of light and air to the properties and improvements in the vicinity; (iii) would substantially increase congestion in the public streets due to traffic or parking; (iv) would unduly increase the danger of flood or fire; (v) would unduly tax public utilities and facilities in the area; or (vi) would endanger public health or safety. The variation would not impact the enjoyment, use, development or value of neighbors' property (including light and air supplied thereto). The variation would not affect congestion, the danger of flood or fire, public utilities or facilities or public health or safety.

(g) No Other Remedy. A variation is the only remedy available to the owner of the Subject Property in order to ensure that an absurd result does not arise from the application of Section 3-110.D.2.(b)(i) requirements.

- The front part of the lot is 9.0' wider than the mid- to rear sections of the lot, so a 2.0' setback in the mid- to rear sections of the lot will look like an 11.0' setback from the street (and, from the street, will look like the natural place for the garage). 11.0' is more than the 10.768' required by Section 3-110.D.2.(b)(i).

- Because the lot is unusually deep, requiring a garage to be in the rear 20% of the lot in order to be 2.0' from the property line would mean that the garage would be extremely far from the house (approximately 140' from the back door) and the garage would be much further back than the garages of the neighbors on Garfield.

- Since the lot is relatively narrow in the backyard, losing 11.0' instead of 2.0' due to setback requirements would result in much less usable space for enjoyment and would choke off the back part of the lot behind the proposed garage.

- Since the north side of the Subject Property abuts only the backyards of the neighboring properties along Hickory (other than the corner house at 233 North Garfield, which is unaffected by the placement of the garage on the Subject Property), the interests of those property owners are protected sufficiently by rear property setback rules (*i.e.*, 2.0' requirement) rather than side yard rules (*i.e.*, 10.768' requirement).

- Granting a variation would be in line with the treatment given to the builders at 118, 122 and 128 East Hickory in the last five years, since the detached garages in those cases are less than 6' from the Subject Property, which is not in compliance with the proviso of paragraph 9 of the exceptions and explanatory notes to Section 3-110 (given that the rear yard of such lots abut the side yard of the Subject Property). Such paragraph provides as follows (emphasis added):

  Side And Rear Yard Regulations For Accessory Structures And Uses: Parking areas wherever located and other detached accessory structures and uses when located within the rear twenty percent (20%) of the lot shall not be required to maintain an interior side or rear yard in excess of two feet (2'); provided, however, that **when the rear yard of such lot abuts the side yard of an adjacent lot, then detached accessory structures and uses shall not be located closer than six feet (6') from said side yard**, and provided further, however, that the exception provided by this subsection shall not apply to residential recreational facilities or antennas and antenna support structures. No accessory structure or use, or combination of such structures or uses, other than permitted

accessory parking garages, located within an otherwise required side or rear yard pursuant to this subsection shall occupy more than thirty percent (30%) of such required yard

MAKE CHECK PAYABLE TO: DU PAGE COUNTY COLLECTOR – *SEND THIS COUPON* WITH YOUR 1ST INSTALLMENT PAYMENT OF 2015 TAX

MAIL PAYMENT TO: P.O. BOX 4203, CAROL STREAM, IL 60197-4203
PAY ON-LINE AT: **treasurer.dupageco.org**
SEE REVERSE SIDE FOR ADDITIONAL INFORMATION

MDG2015 00106754 1 AV 0.376

09-01-410-008
FLAMING, BETH E
223 N GARFIELD AVE
HINSDALE IL 60521

1

ON OR BEFORE:	PAY:
JUNE 1, 2016	**$7,905.44**
PAYING LATE?	PAY THIS AMOUNT:
JUN 2 THRU 30	8,024.02
JUL 1 THRU 31	8,142.60
AUG 1 THRU 31	8,261.18
SEP 1 THRU 30	8,379.77
OCT 1 THRU 31	8,498.35
NOV 1 THRU 16	8,616.93

U.S. POSTMARK IS USED TO DETERMINE LATE PENALTY.

PAYMENT OF THIS 2015 TAX BILL AFTER OCTOBER 31, 2016, REQUIRES A CASHIER'S CHECK, CASH OR MONEY ORDER.

CHECK BOX AND COMPLETE CHANGE OF ADDRESS ON BACK.

NO PAYMENT WILL BE ACCEPTED AFTER NOV. 16, 2016

WELLS FARGO R E TAX SERV has notified us of its intention to pay your real estate taxes. Please contact them if you have any questions. This bill is sent for information only. No return envelopes have been included.

10901410008690590000790544 11

MAKE CHECK PAYABLE TO: DU PAGE COUNTY COLLECTOR – *SEND THIS COUPON* WITH YOUR 2ND INSTALLMENT PAYMENT OF 2015 TAX

MAIL PAYMENT TO: P.O. BOX 4203, CAROL STREAM, IL 60197-4203
PAY ON-LINE AT: **treasurer.dupageco.org**
SEE REVERSE SIDE FOR ADDITIONAL INFORMATION

09-01-410-008
FLAMING, BETH E
223 N GARFIELD AVE
HINSDALE IL 60521

2

ON OR BEFORE:	PAY:
SEPT 1, 2016	**$7,905.44**
PAYING LATE?	PAY THIS AMOUNT:
SEP 2 THRU 30	8,024.02
OCT 1 THRU 31	8,142.60
NOV 1 THRU 16	8,271.18 *

*INCLUDES $10 COST: SEE BACK OF BILL FOR EXPLANATION

U.S. POSTMARK IS USED TO DETERMINE LATE PENALTY.

PAYMENT OF THIS 2015 TAX BILL AFTER OCTOBER 31, 2016, REQUIRES A CASHIER'S CHECK, CASH OR MONEY ORDER.

CHECK BOX AND COMPLETE CHANGE OF ADDRESS ON BACK.

NO PAYMENT WILL BE ACCEPTED AFTER NOV. 16, 2016

If your mortgage holder will be paying your second installment, please avoid making a duplicate payment. Contact them if you have any questions. No return envelopes have been included.

20901410008690590000790544 12

Rate 2014	Tax 2014	Taxing District	Rate 2015	Tax 2015
		** COUNTY **		
.1237	321.08	COUNTY OF DU PAGE	.1185	334.25
.0267	69.30	PENSION FUND	.0256	72.20
.0411	106.68	COUNTY HEALTH DEPT	.0400	112.82
.0142	36.85	PENSION FUND	.0130	36.66
.1568	407.00	FOREST PRESERVE DIST	.1508	425.36
.0123	31.92	PENSION FUND	.0114	32.15
.0196	50.87	DU PAGE AIRPORT AUTH	.0188	53.02
		** LOCAL **		
NO LEVY		DU PAGE WATER COMM	NO LEVY	
.0349	90.58	DOWNERS GROVE TWP	.0346	97.59
.0029	7.52	PENSION FUND	.0022	6.20
.0545	141.46	DOWNERS GR TWP RD	.0532	150.06
.0019	4.93	PENSION FUND	.0018	5.07
.2480	643.73	VLG OF HINSDALE	.2961	835.20
.1555	403.63	PENSION FUND	.0936	264.01
.1677	435.29	VLG HINSDALE LIBRARY	.1601	451.59
.0146	37.89	PENSION FUND	.0128	36.10
NO LEVY		FLAGG CRK WATER REC	NO LEVY	
		** EDUCATION **		
2.7687	7,186.71	GRADE SCHL DIST 181	2.6620	7,508.70
.0768	199.34	PENSION FUND	.0730	205.91
1.5476	4,017.10	HIGH SCHOOL DIST 86	1.5057	4,247.12
.0445	115.50	PENSION FUND	.0535	150.90
.2975	772.34	COLLEGE DU PAGE 502	.2786	785.97
5.8095	15,079.72	TOTALS	5.6053	15,810.88

Mailed to:
FLAMING, BETH E
223 N GARFIELD AVE
HINSDALE IL 60521

Property Location:
223 N GARFIELD AVE
HINSDALE, 60521

Township Assessor:
DOWNERS GROVE
630-719-6630

Tax Code:
9059

Property Index Number:
09-01-410-008

Unpaid Taxes Due: NO

TIF Frozen Value	
Fair Cash Value	868,800
Land Value	142,980
+ Building Value	146,580
= Assessed Value	289,560 *
x State Multiplier	1.0000
= Equalized Value	289,560
– Residential Exemption	6,000
– Senior Exemption	
– Senior Freeze	
– Disabled Veteran	
– Disability Exemption	
– Returning Veteran Exemption	
– Home Improvement Exemption	1,490
– Housing Abatement	
= Net Taxable Value	282,070
x Tax Rate	5.6053
= Total Tax Due	15,810.88

* S OF A FACTOR 1.0000

CHANGE OF NAME/ADDRESS:
COUNTY CLERK 630-407-5540

2015 DuPage County Real Estate Tax Bill
Gwen Henry, CPA, County Collector
421 N. County Farm Road
Wheaton, IL 60187

Office Hours – 8:00 am–4:30 pm, Mon–Fri
Telephone – (630) 407-5900

VILLAGE OF HINSDALE

COMMUNITY DEVELOPMENT DEPARTMENT
19 East Chicago Avenue
Hinsdale, Illinois 60521-3489
630.789.7030

Application for Certificate of Zoning Compliance

You must complete all portions of this application. If you think certain information is not applicable, then write "N/A." If you need additional space, then attach separate sheets to this form.

Applicant's name: Beth Flaming

Owner's name (if different): _____

Property address: 223 N. Garfield

Property legal description: [attach to this form]

Present zoning classification: R-4, Single Family Residential

Square footage of property: 26,695 Square Feet

Lot area per dwelling: 26,695 Square Feet

Lot dimensions: 97.68 x 289.02

Current use of property: Single Family Dweling

Proposed use:
- ☑ Single-family detached dwelling
- ☐ Other: _____

Approval sought:
- ☑ Building Permit
- ☐ Special Use Permit
- ☐ Site Plan
- ☐ Design Review
- ☐ Other: _____
- ☑ Variation
- ☐ Planned Development
- ☐ Exterior Appearance

Brief description of request and proposal:

Variance interior side yard setback for accessory detached strucure

Plans & Specifications: [submit with this form]

	Provided:	**Required by Code:**
Yards:		
front:	45.32 ft	35.00 ft
interior side(s)	2.0 / 43.1	10.7 / 18.5

	Provided:	Required by Code:
corner side	n/a	n/a
rear	170.32 ft	25.00 ft
Setbacks (businesses and offices):		
front:	n/a	n/a
interior side(s)	n/a / n/a	n/a / n/a
corner side	n/a	n/a
rear	n/a	n/a
others:	n/a	n/a
Ogden Ave. Center:	n/a	n/a
York Rd. Center:	n/a	n/a
Forest Preserve:	n/a	n/a
Building heights:		
principal building(s):	existing	31.18
accessory building(s):	14.85 ft	15.00 ft
Maximum Elevations:		
principal building(s):	existing	40.00 ft
accessory building(s):	n/a	n/a
Dwelling unit size(s):	existing	7,339 sq. ft
Total building coverage:	3,487 sq. ft	6,674 sq. ft
Total lot coverage:	9,439 sq. ft	13,348 sq.
Floor area ratio:	existing	7,339 sq. ft
Accessory building(s):	1,200 sq. ft	2,670 sq. ft

Spacing between buildings: [depict on attached plans]

principal building(s):			
accessory building(s):	30.00 ft		

Number of off-street parking spaces required: 3

Number of loading spaces required: n/a

Statement of applicant:

I swear/affirm that the information provided in this form is true and complete. I understand that any omission of applicable or relevant information from this form could be a basis for denial or revocation of the Certificate of Zoning Compliance.

By: Beth Flaming
Applicant's signature

Beth Flaming
Applicant's printed name

Dated: June 1, 2016.

ZONING INFORMATION

EXISTING ZONING R4

EXISTING LOT SIZE 26,695 SQ. FT. > 10,000 SQ. FT.
EXISTING LOT WIDTH 97.68' > 70.00' 88.67' > 70.00'
EXISTING LOT DEPTH 289.02' > 125.00'

FRONT YARD SETBACK

EXISTING – 35.00' NO CHANGE

INTERIOR SIDE YARD SETBACK

EXISTING – 10.77' [6' + 10% > 50'] NO CHANGE
EXISTING – 9.87' [6' + 10% > 50'] NO CHANGE

EXISTING – 18.54' [30% – 10.77'] NO CHANGE
EXISTING – 16.73' [30% – 9.87'] NO CHANGE

REAR YARD SETBACK

EXISTING – 25.00' NO CHANGE

BUILDING HEIGHT

EXISTING HOUSE – 2 1/2 STORIES NO CHANGE
PROPOSED GARAGE – 14.85'

FLOOR AREA RATIO

ALLOWABLE 26,695 x 20% + 2,000 = 7,339 SQ. FT.
EXISTING 3,691 SQ. FT. NO CHANGE

BUILDING COVERAGE

ALLOWABLE 26,695 x 25% = 6,674 SQ. FT.
PROPOSED 3,487 SQ. FT.

ACCESSORY COVERAGE

ALLOWABLE 26,695 x 10% = 2,670 SQ. FT.
PROPOSED 1,200 SQ. FT.

TOTAL LOT COVERAGE

ALLOWABLE 26,695 x 50% = 13,348 SQ. FT.
EXISTING 8,273 SQ. FT.
PROPOSED 9,439 SQ. FT.

ARCHITECTURAL DESIGN SERVICES
LICENSE #184–003539 [EXPIRES APRIL 30, 2017]
1321 SCHIEDLER DRIVE
BATAVIA, ILLINOIS 60510
(630) 863–4869 RSP_ADS@MSN.COM

PLAN
RMATION
TION
OTES

8b

JULIE AND ROBERT SAUNDERS
33 S. MONROE STREET
HINSDALE, ILLINOIS 60521

July 8, 2016

By Hand Delivery

Zoning Board of Appeals
Village of Hinsdale
c/o Ms. Christine Bruton, Village Clerk
19 E. Chicago Avenue
Hinsdale, Illinois 60521

Re: Zoning Variation V-04-16
33 S. Monroe Street
Julie and Rob Saunders, Owner/Applicant

Dear Members of the Hinsdale Zoning Board of Appeals:

This filing with the Village constitutes a supplemental submission for inclusion as part of our Application for Variation filed on June 6, 2016 and scheduled for public hearing on July 20, 2016 as V-04-16. We ask that you kindly review and consider these materials in your evaluation and deliberations concerning our Application.

Enclosed please find copies of the following:

1. Fully executed and notarized Certification of Proper Notice Regarding Application for Public Hearings and Meetings, including a list of all the addresses of properties to which we gave such notice, and including the certified mail green receipt cards received from the Postal Service.

2. Letter of support for the construction of our proposed replacement detached garage from the nine adjacent neighbors in closest proximity to our property, and statements of support by those neighbors for the grant of the variation requested in our Application.

3. Letter from our professional ISA-Certified Arborist submitted as evidence of the legitimate need to locate the replacement detached garage where proposed in our Application in order to maintain our two significant rear yard Norway Spruces as well as our neighbor's large tree at the side lot line we share.

4. Improved floor plan and elevations drawings (a total of three pages) prepared by Parsons Architects as additions to pages 3-7 of Attachment "K" of our Application. The dimensions and proposed setbacks for the replacement detached garage are unchanged from our original submission.

Thank you for your consideration.

Sincerely,

Julie Saunders

Robert Saunders

Owner/Applicant

Enclosures

Village of Hinsdale

CERTIFICATION OF PROPER NOTICE REGARDING APPLICATION FOR PUBLIC HEARINGS AND MEETINGS

I, Robert Saunders, being first duly sworn on oath, do hereby certify that I caused written notice of the filing of my application for a Public Hearing and/or meeting to be given to owners of record of property within 250 feet of any part of the subject property. I further certify that I have such notice in the form required by the Village (Certified Mail) and that I gave such notice on June 23rd, 2016.

Attached is a list of all of the addresses of property to whom I gave such notice.

By: RWSaunders

Name: Julie and Rob Saunders

Address: 33 S Monroe Street, Hinsdale, IL 60521

Subscribed and sworn to before me
This 7 day of July, 2016.

By: KK Ramirez
Notary Public

OFFICIAL SEAL
K K RAMIREZ
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES:08/04/18

To: Village of Hinsdale
Zoning Board of Appeals

Re: 33 S. Monroe Street
Application for Variance for a Replacement Garage (V-04-16)

We are neighbors of Julie and Rob Saunders, living in the 0 block of south Thurlow and Monroe Streets. Rob and Julie have approached us regarding their plans to replace a deteriorated garage and shed at the back of their property with a new garage. They have shared architectural drawings of the new garage, as well as a site plan showing where the new building will be located on their property.

We understand that the proposed location of the new garage would require a variance to the Hinsdale Zoning Code to allow it to be built within the side yard setback required by the Code. We support the Saunders' plan for their new garage and feel it would be an enhancement to the neighborhood, and we urge the Board to approve the variation requested by Julie and Rob.

John and Robin Callahan
29 S Monroe Street

Dawn Thanos
41 S Monroe Street

Andrew and Marie Strimaitis
34 S Thurlow Street

Kevin and Mary Ann Parks
38 S Thurlow Street

Rocco Lucarelli
30 S Thurlow Street

Michael and Lynn McGarrity
21 S Monroe Street

Greg & Susanna Donnelly
24 S Monroe Street

Steven J Novatney
32 S Monroe Street

Jeffrey Ray
38 S Monroe Street

Steven Kraynak
543 Chestnut Street

BARTLETT TREE EXPERTS

751 N. Bolingbrook Dr, Link 12, Bolingbrook, IL 60440 • Telephone 630-960-4001 • Fax 630-960-9971

July 5, 2016

Julie and Robert Saunders
33 S. Monroe Street
Hinsdale, IL 60521

RE: Impact of proposed new garage on significant trees

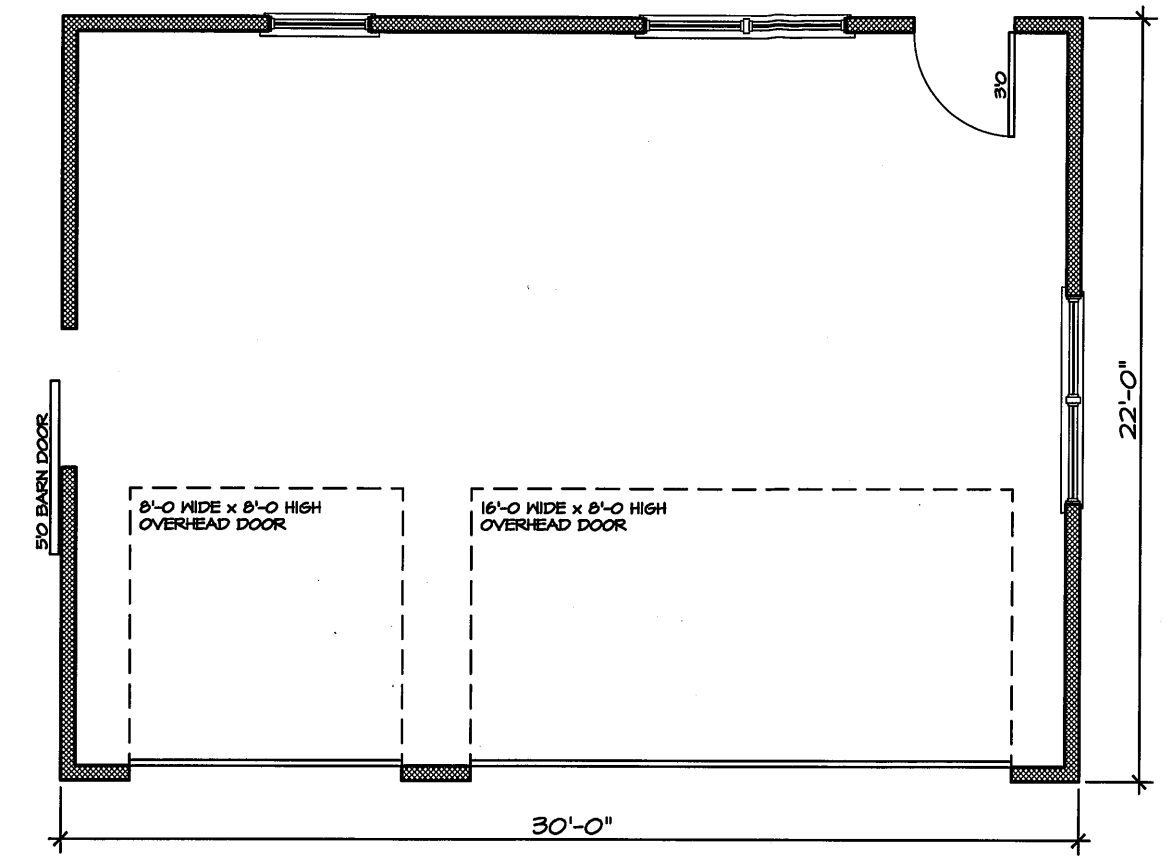
Dear Mr. and Mrs. Saunders:

This letter is being provided following our discussions regarding the two 60-70 year-old Norway Spruces in your back yard. Our firm has treated these trees, including regular fertilization, insect treatments, and pruning, for the past few years, so I am aware of their condition and location within the property.

Based on our discussion and your plans for your proposed new garage, it is important for the health of both of these trees that the proposed structure be built as far from the trees as possible given the constraints of the property. While any new construction brings risks to the trees in the vicinity, you've informed me that conforming to strict zoning guidelines would require the new garage to be built 3.5' closer to the trees. This additional encroachment would cause additional stress and health risk, to both trees, and in particular to the northern-most tree, and greatly risks the natural life span of both significant and irreplaceable Norway Spruces. Removal of tree roots also presents safety risks. I believe the proposed site plan therefore represents the best solution to allow for maintaining the health of your trees as well as the large tree in the neighbor's yard immediately to the north of your property line.

Sincerely,

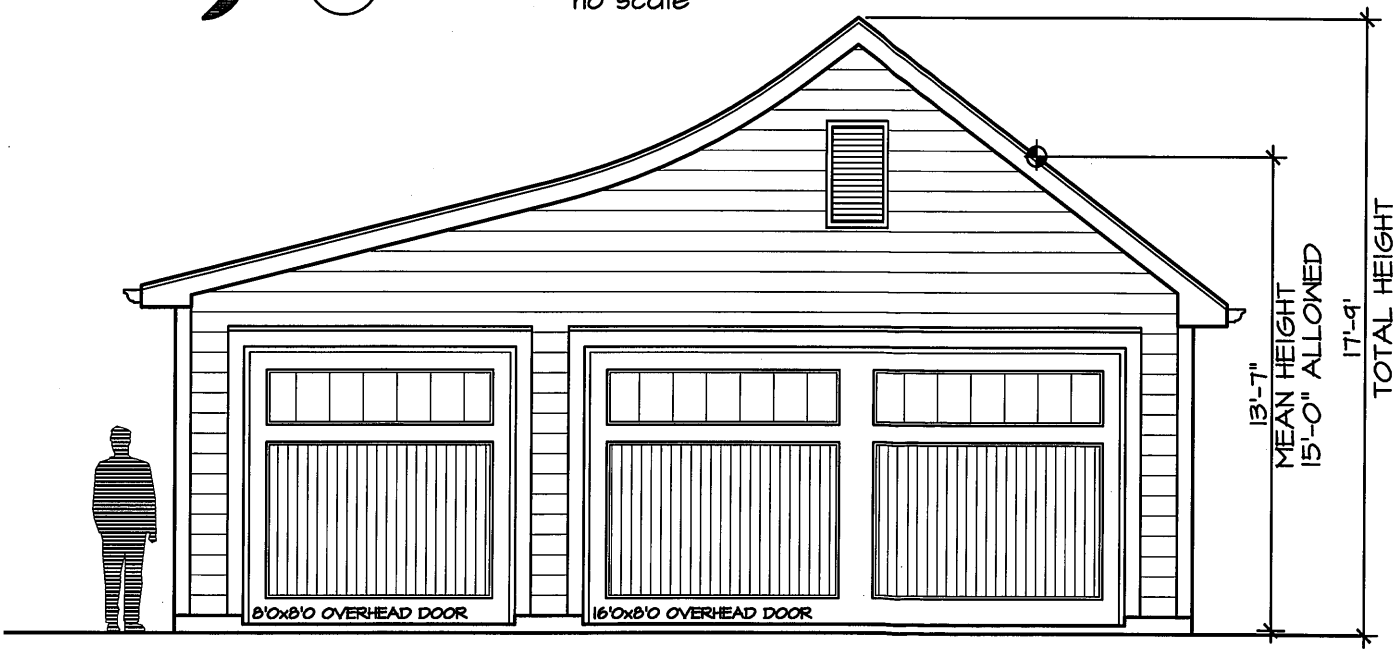
Tom Tyler
ISA Certified Arborist, MA-2484A
Local Manager



N

PROPOSED PLAN

no scale



EAST ELEVATION

no scale

DATE: 12-17-2012

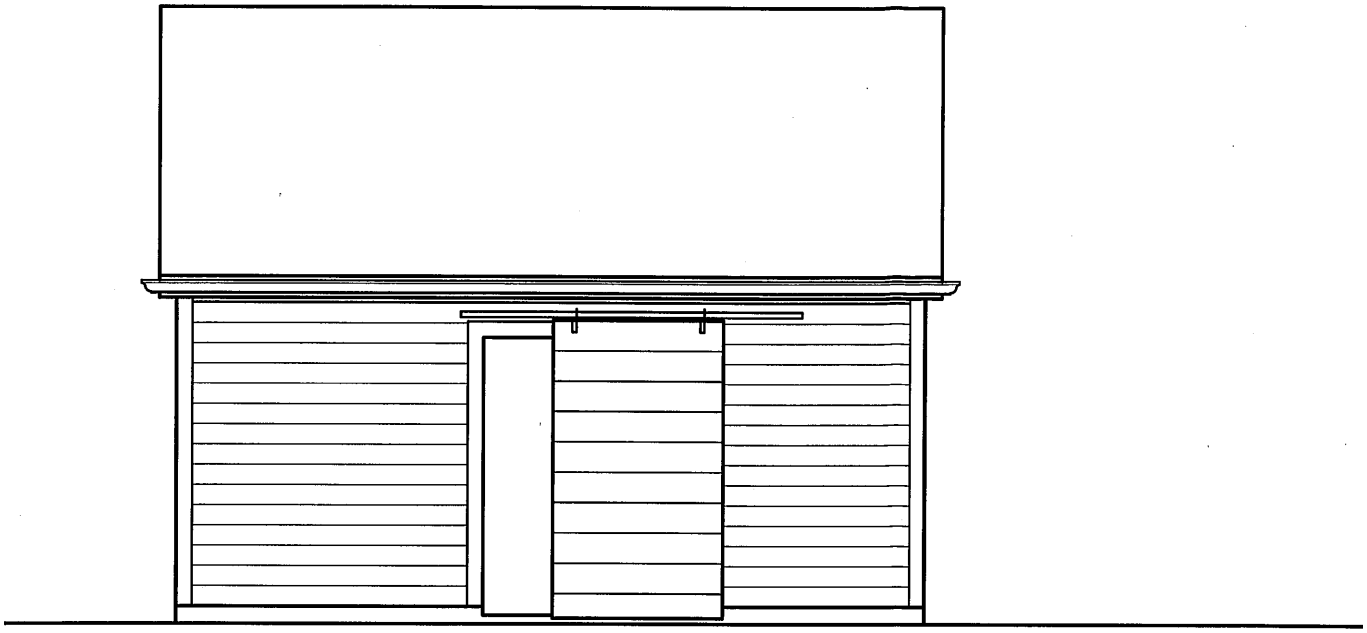
A NEW GARAGE FOR:

Robert & Julie SAUNDERS

33 MONROE STREET
HINSDALE, ILLINOIS

PARSONS
ARCHITECTS, LLC

28 SPRINGLAKE AVENUE
HINSDALE, IL 60521
PHONE: 630.325.8135



SOUTH ELEVATION

WEST ELEVATION

DATE: 12-17-2012

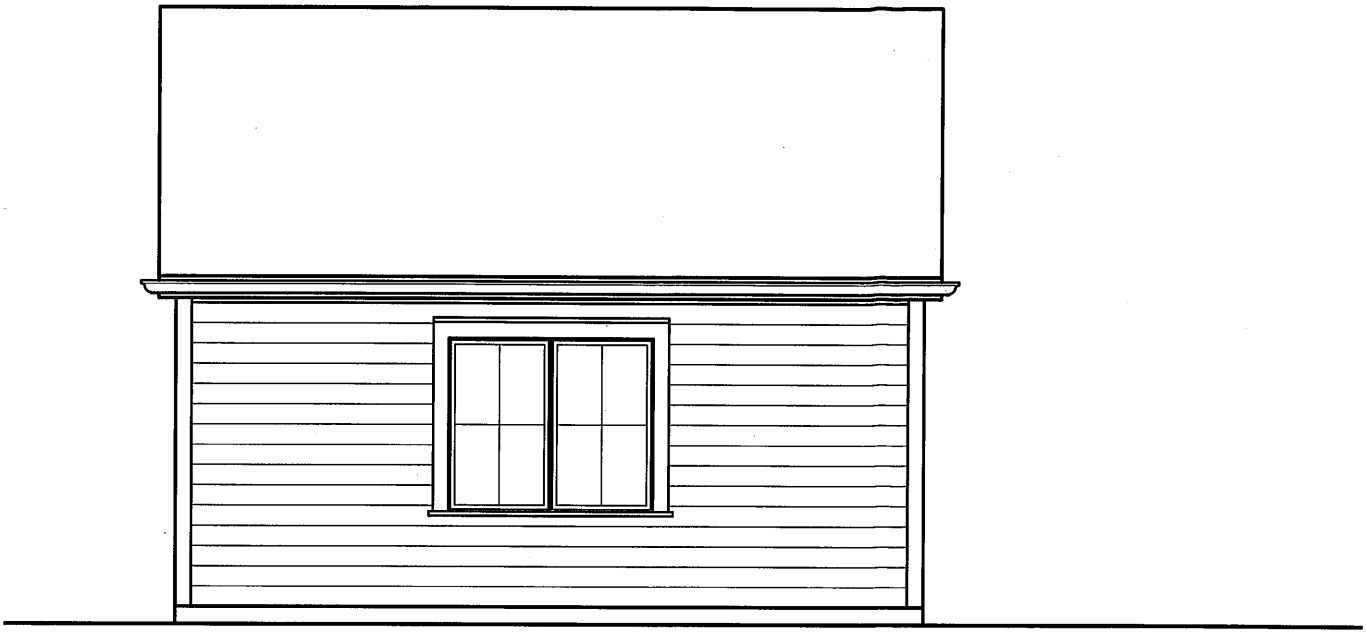
A NEW GARAGE FOR:

Robert & Julie SAUNDERS

33 MONROE STREET
HINSDALE, ILLINOIS

PARSONS
ARCHITECTS, LLC

28 SPRINGLAKE AVENUE
HINSDALE, IL 60521
PHONE: 630.325.8135



NORTH ELEVATION

DATE: 12-17-2012

A NEW GARAGE FOR:

Robert & Julie SAUNDERS

33 MONROE STREET
HINSDALE, ILLINOIS

PARSONS
ARCHITECTS, LLC

28 SPRINGLAKE AVENUE
HINSDALE, IL 60521
PHONE: 630.325.8135

MEMORANDUM

TO: **Chairman Neiman and Members of the Zoning Board of Appeals**

FROM: **Robert McGinnis MCP**
Director of Community Development/Building Commissioner

DATE: **June 8, 2016**

RE: **Zoning Variation – V-04-16; 33 S. Monroe**

In this application for variation, the applicant requests relief from the minimum side yard setback requirements set forth in section 3-110-D(2)(ii) for the construction of a detached garage. The applicant is requesting a 3.52' reduction in the required interior side yard from 8.52' to 5'.

This property is located in the R-4 Residential District in the Village of Hinsdale and is located on the east side of Monroe between Chicago and Chestnut. The property has a frontage of approximately 75.21', a depth of approximately 125', and a total square footage of approximately 9,401. The maximum FAR is approximately 3,450 square feet, the maximum allowable building coverage is 25% or approximately 2,350 square feet, and the maximum allowable lot coverage is 60% or approximately 5,640 square feet.

cc: Kathleen A. Gargano, Village Manager
Zoning file V-04-16

Zoning Calendar No. V-04-16

VILLAGE OF HINSDALE

APPLICATION FOR VARIATION

COMPLETE APPLICATION CONSISTS OF TEN (10) COPIES
(All materials to be collated)

FILING FEES: RESIDENTIAL VARIATION $850.00

NAME OF APPLICANT(S): Mrs. Julie and Mr. Rob Saunders

ADDRESS OF SUBJECT PROPERTY: 33 S. Monroe Street

TELEPHONE NUMBER(S): (of Applicant) [redacted]

If Applicant is not property owner, Applicant's relationship to property owner.

Applicant is property owner

DATE OF APPLICATION: June 6, 2016

RECEIVED 6/6/16

SECTION I

Please complete the following:

1. Owner. Name, address, and **telephone number** of owner: Mrs. Julie and Mr. Robert W. Saunders, 33 S. Monroe Street, Hinsdale, IL 60521 [redacted]

2. Trustee Disclosure. In the case of a land trust the name, address, and telephone number of all trustees and beneficiaries of the trust: N/A

3. Applicant. Name, address, and telephone number of applicant, if different from owner, and applicant's interest in the subject property: N/A

4. Subject Property. Address and legal description of the subject property: (Use separate sheet for legal description if necessary.) 33 S. Monroe Street, Hinsdale, IL 60521 /See Attachment "A" for legal description.)

5. Consultants. Name and address of each professional consultant advising applicant with respect to this application:

   (a) Attorney: Norman V. Chimenti, Esq., 10 S. LaSalle St., Chicago, IL 60603

   (b) Architect: Dennis Parsons, Parsons Architects, 28 Springlake Ave., Hinsdale, IL 60521

   (c) Arborist: Tom Tyler, Bartlett Tree Experts, 751 N. Bolingbrook Dr., Bolingbrook, IL 60440

   (d) _____

6. Village Personnel. Name and address of any officer or employee of the Village with an interest in the Owner, the Applicant, or the Subject Property, and the nature and extent of that interest:

(a) N/A

(b) _____

7. **Neighboring Owners. Submit with this application a list showing the name and address of each owner of (1) property within 250 lineal feet in all directions from the subject property; and (2) property located on the same frontage or frontages as the front lot line or corner side lot line of the subject property or on a frontage directly opposite any such frontage or on a frontage immediately adjoining or across an alley from any such frontage.** (To be furnished as Attachment "B")

After the Village has prepared the legal notice, the applicant/agent must mail by certified mail, "return receipt requested" to each property owner/ occupant. The applicant/agent must then fill out, sign, and notarize the "Certification of Proper Notice" form, returning that form and all certified mail receipts to the Village.

8. Survey. Submit with this application a recent survey, certified by a registered land surveyor, showing existing lot lines and dimensions, as well as all easements, all public and private rights-of-way, and all streets across and adjacent to the Subject Property. Please see Attachment "C".

9. Existing Zoning. Submit with this application a description or graphic representation of the existing zoning classification, use, and development of the Subject Property, and the adjacent area for at least 250 feet in all directions from the Subject Property. Please see Attachment "D".

10. Conformity. Submit with this application a statement concerning the conformity or lack of conformity of the approval being requested to the Village Official Comprehensive Plan and the Official Map. Where the approval being requested does not conform to the Official Comprehensive Plan or the Official Map, the statement should set forth the reasons justifying the approval despite such lack of conformity. Please see Attachment "E".

11. Zoning Standards. Submit with this application a statement specifically addressing the manner in which it is proposed to satisfy each standard that the Zoning Ordinance establishes as a condition of, or in connection with, the approval being sought. Please see Attachment "F".

12. Successive Application. In the case of any application being filed less than two years after the denial of an application seeking essentially the same relief, submit with this application a statement as required by Sections 11-501 and 11-601 of the Hinsdale Zoning Code. N/A .

SECTION II

When applying for a variation from the provisions of the Zoning Ordinance, you must provide the data and information required above, and in addition, the following:

1. Title. Evidence of title or other interest you have in the Subject Project, date of acquisition of such interest, and the specific nature of such interest. Please see Attachment "G" Deed.

2. Ordinance Provision. The specific provisions of the Zoning Ordinance from which a variation is sought: Sec. 10-104B.3, and to the extent applicable, Sec. 10-104C.1. and Sec. 10-104C.2.(c). Also, Sec. 3-110D.2.(b)(i) and Sec. 3-110D.3.(b).

3. Variation Sought. The precise variation being sought, the purpose therefor, and the specific feature or features of the proposed use, construction, or development that require a variation: (Attach separate sheet if additional space is needed.)

   Applicant seeks a reduction of the minimum interior lot side yard requirement of 6 ft. (or 8.5 ft., if applicable) to 5.0 ft., and a reduction of the minimum interior lot rear yard requirement from 25 ft. to 8.7 ft. (8'-8") in order to repair, rebuild and relocate an existing legal nonconforming pre-Code detached garage and shed in poor condition. Please see Attachment "H" for additional information.

4. Minimum Variation. A statement of the minimum variation of the provisions of the Zoning Ordinance that would be necessary to permit the proposed use, construction, or development: (Attach separate sheet if additional space is needed.)

   The variation sought by Applicant is the minimum variation that is necessary to preserve significant trees encroaching upon the existing legal nonconforming detached garage and to provide safe and reasonable access to the proposed reconstructed detached garage from the narrow (a 17-ft. ROW, only **9 ft.** of which is graveled and usable) and commonly used public alley serving the Subject Property. Please see Attachment "I" for additional information.

5. Standards for Variation. A statement of the characteristics of Subject Property that prevent compliance with the provisions of the Zoning Ordinance and the specific facts you believe support the grant of the required variation. In addition to your general explanation, you must specifically address the following requirements for the grant of a variation:

   Please see Attachment "J" for Applicant's statement regarding compliance with all standards for variation.

(a) Unique Physical Condition. The Subject Property is exceptional as compared to other lots subject to the same provision by reason of a unique physical condition, including presence of an existing use, structure of sign, whether conforming or nonconforming; irregular or substandard shape or size; exceptional topographical features; or other extraordinary physical conditions peculiar to and inherent in the Subject Property that amount to more than a mere inconvenience to the owner and that relate to or arise out of the lot rather than the personal situation of the current lot owner.

(b) Not Self-Created. The aforesaid unique physical condition is not the result of any action or inaction of the owner, or of the owner's predecessors in title and known to the owner prior to acquisition of the Subject Property, and existed at the time of the enactment of the provisions from which a variation is sought or was created by natural forces or was the result of governmental action, other than the adoption of this Code, for which no compensation was paid.

(c) Denied Substantial Rights. The carrying out of the strict letter of the provision from which a variation is sought would deprive the owner of the Subject Property of substantial rights commonly enjoyed by owners of other lots subject to the same provision.

(d) Not Merely Special Privilege. The alleged hardship or difficulty is not merely the inability of the owner or occupant to enjoy some special privilege or additional right not available to owners or occupants of other lots subject to the same provision, nor merely an inability to make more money from the use of the subject property; provided, however, that where the standards herein set out exist, the existence of an economic hardship shall not be a prerequisite to the grant of an authorized variation.

(e) Code and Plan Purposes. The variation would not result in a use or development of the Subject Property that would not be in harmony with the general and specific purposes for which this Code and the provision from which a variation is sought were enacted or the general purpose and intent of the Official Comprehensive Plan.

(f) Essential Character of the Area. The variation would not result in a use or development of the Subject Property that:

(1) Would be materially detrimental to the public welfare or materially injurious to the enjoyment, use development, or value of property of improvements permitted in the vicinity; or

(2) Would materially impair an adequate supply of light and air to the properties and improvements in the vicinity; or

(3) Would substantially increase congestion in the public streets due to traffic or parking; or \

(4) Would unduly increase the danger of flood or fire; or

(5) Would unduly tax public utilities and facilities in the area; or

(6) Would endanger the public health or safety.

(g) No Other Remedy. There is no means other than the requested variation by which the alleged hardship or difficulty can be avoided or remedied to a degree sufficient to permit a reasonable use of the Subject Project.
(Attach separate sheet if additional space is needed.)

_____
_____
_____
_____
_____
_____

SECTION III

In addition to the data and information required pursuant to any application as herein set forth, every Applicant shall submit such other and additional data, information, or documentation as the Village Manager or any Board of Commission before which its application is pending may deem necessary or appropriate to a full and proper consideration and disposition of the particular application.

1. A copy of preliminary architectural and/or surveyor plans showing the floor plans, exterior elevations, and site plan needs to be submitted with each copy of the zoning petitions for the improvements. Please see Attachment "K", consisting of existing and proposed site plans and elevations.

2. The architect or land surveyor needs to provide zoning information concerning the existing zoning; for example, building coverage, distance to property lines, and floor area ratio calculations and data on the plans or supplemental documents for the proposed improvements. Please refer to Attachment "K" for bulk zoning and other zoning information pertaining to both the existing lot and improvements, and to the proposed detached garage. With the exception of the relief sought in this Application, the Subject Property and its uses are fully in compliance with the requirements of the Zoning Code.

SECTION IV

1. Application Fee and Escrow. Every application must be accompanied by a non-refundable application fee of $250.00 plus an additional $600.00 initial escrow amount. The applicant must also pay the costs of the court reporter's transcription fees and legal notices for the variation request. A separate invoice will be sent if these expenses are not covered by the escrow that was paid with the original application fees.

2. Additional Escrow Requests. Should the Village Manager at any time determine that the escrow account established in connection with any application is, or is likely to become, insufficient to pay the actual costs of processing such application, the Village Manager shall inform the Applicant of that fact and demand an additional deposit in an amount deemed by him to be sufficient to cover foreseeable additional costs. Unless and until such additional amount is deposited by the Applicant, the Village Manager may direct that processing of the application shall be suspended or terminated.

3. Establishment of Lien. The owner of the Subject Property, and if different, the Applicant, are jointly and severally liable for the payment of the application fee. By signing the Application, the owner has agreed to pay said fee, and to consent to the filing and foreclosure of a lien against the Subject Property for the fee plus costs of collection, if the account is not settled within 30 days after the mailing of a demand for payment.

SECTION V

The owner states that he/she consents to the filing of this application and that all information contained herein is true and correct to the best of his/her knowledge.

Name of Owner: Mrs. Julie and Mr. Robert Saunders

Signature of Owner: _____

_____

Name of Applicant: (Same as Owner)

Signature of Applicant: _____

_____

Date: June 6, 2016

ATTACHMENT A

TO JULIE AND ROB SAUNDERS
APPLICATION FOR VARIATION AT
33 S. MONROE STREET

Legal Description of Subject Property

LOT 40 AND THE NORTH HALF OF LOT 39 IN INTERNATIONAL BANK SUBDIVISION, BEING A RESUBDIVISION OF BLOCK 1 IN STOUGH'S SECOND ADDITION TO HINSDALE, BEING A SUBDIVISION IN THE EAST HALF OF SECTION 11, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID INTERNATIONAL BANK SUBDIVISION RECORDED OCTOBER 28, 1882, AS DOCUMENT 31034, IN DUPAGE COUNTY, ILLINOIS.

ATTACHMENT B

TO JULIE AND ROB SAUNDERS
APPLICATION FOR VARIATION AT
33 S. MONROE STREET

[The list of names and addresses of "Neighboring Owners" will be furnished by supplemental submission prior to the scheduling of a public hearing of the Application.]

EMAIL: SURVEY@ECIVIL.COM WEBSITE: ECIVIL.COM

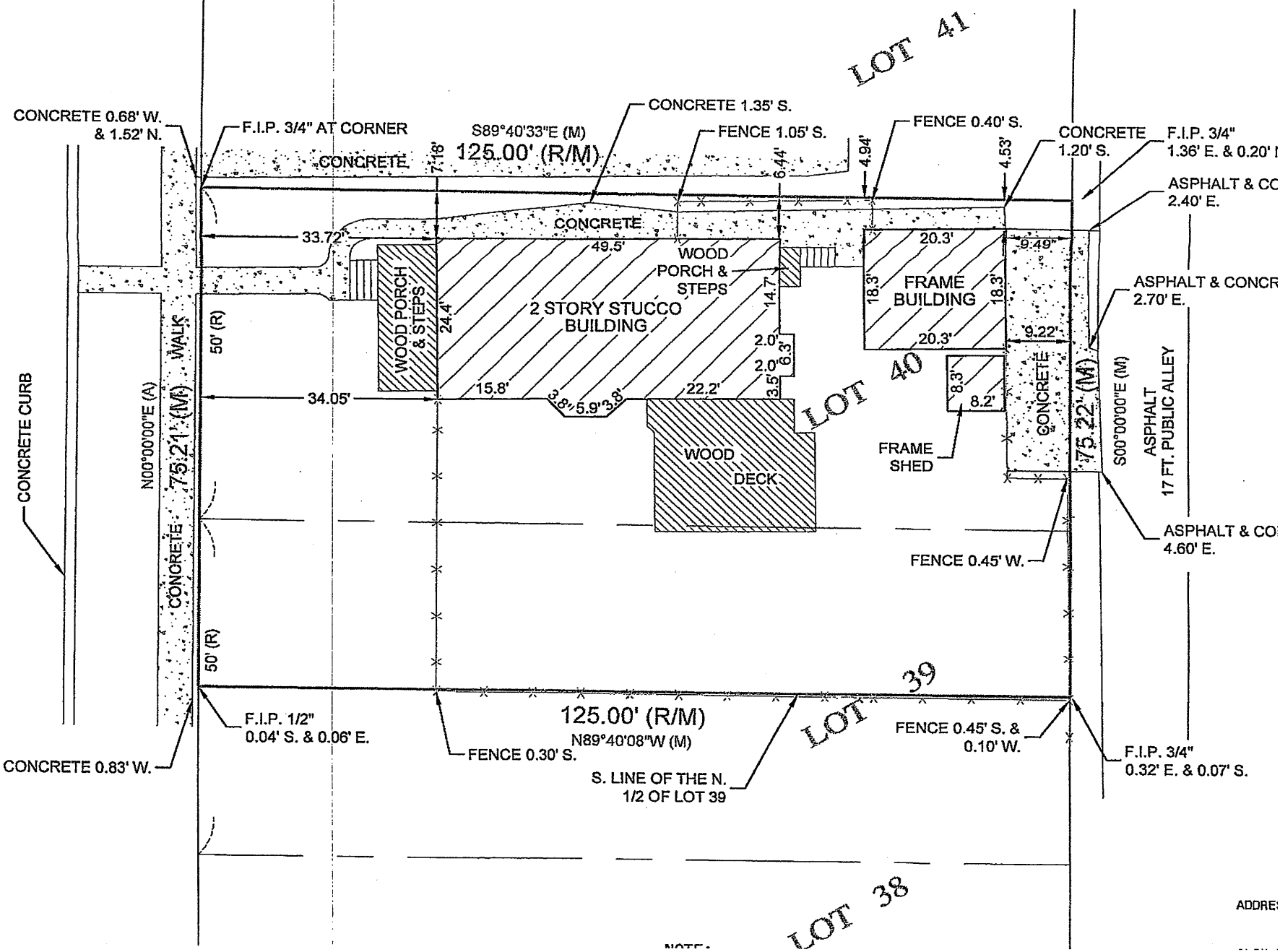
PLAT OF SURVEY

LOT 40 AND THE NORTH HALF OF LOT 39 IN INTERNATIONAL BANK SUBDIVISION, BEING A RESUBDIVISION OF BLOCK 1 IN STOUGH'S SECOND ADDITION TO HINSDALE, BEING A SUBDIVISION IN THE EAST HALF OF SECTION 11, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID INTERNATIONAL BANK SUBDIVISION RECORDED OCTOBER 28, 1882, AS DOCUMENT 31034, IN DUPAGE COUNTY, ILLINOIS.

ATTACHMENT C

TO JULIE AND ROB SAUNDERS
APPLICATION FOR VARIATION AT
33 S. MONROE STREET

MONROE STREET



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ATTACHMENT D

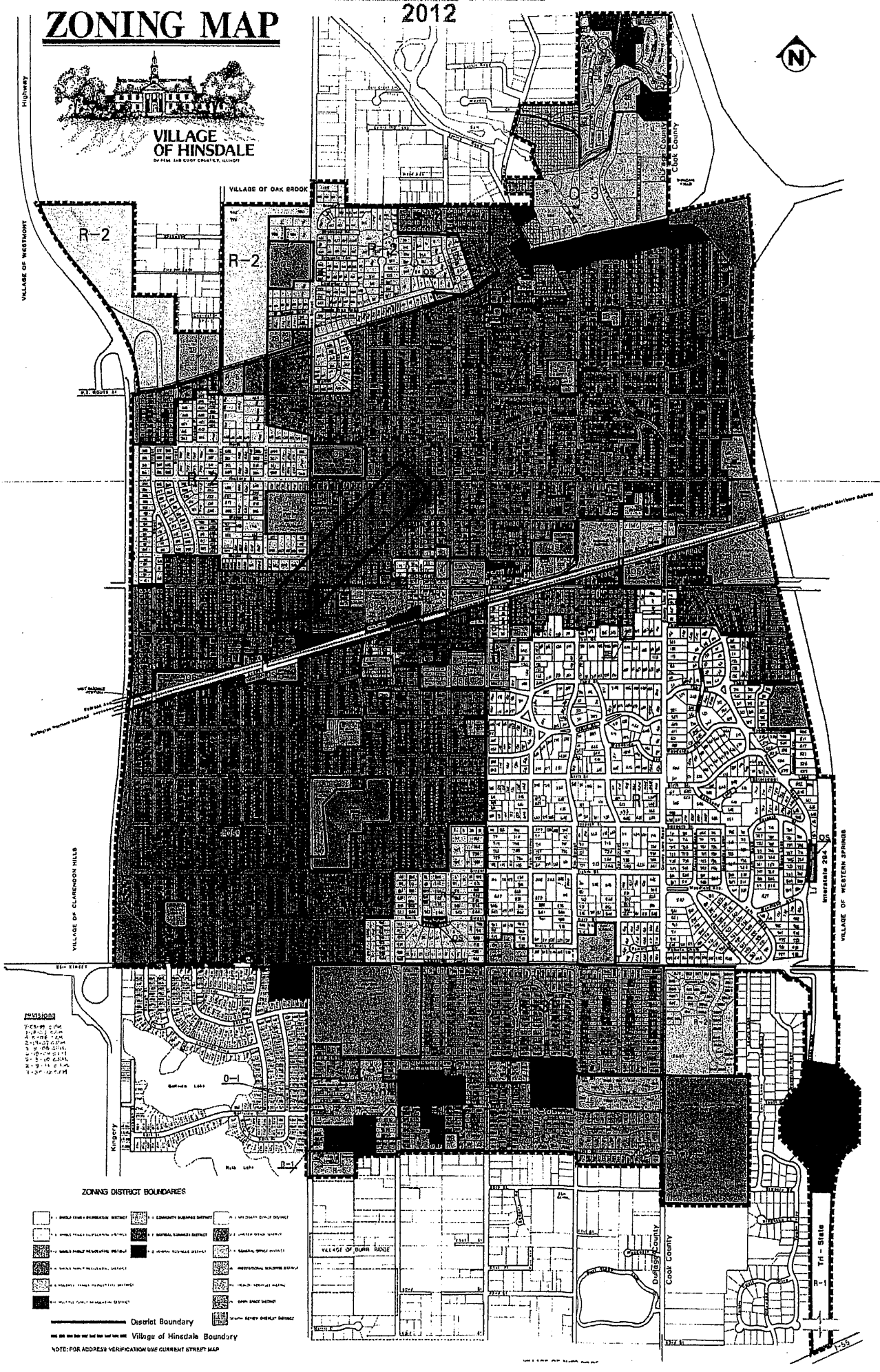
TO JULIE AND ROB SAUNDERS
APPLICATION FOR VARIATION AT
33 S. MONROE STREET

The Subject Property is located in the R-4 Single Family Residential District. Its location is marked in the attached Official Zoning Map of the Village (2012). It is presently developed with a single family residence, a detached garage and storage shed, a deck and other accessory uses, and is heavily landscaped and fenced. Vehicular access to the Subject Property is via a narrow rear alley servicing Applicant's detached garage and abutting residential properties. All uses of the Subject Property conform to those that are permitted in the R-4 District. All properties within 250 ft. of the Applicant's residence are located in the R-4 District, and Applicant believes that the uses of those nearby properties conform to the permitted uses of the R-4 District.

VILLAGE OF HINSDALE

ZONING MAP

2012



ATTACHMENT E

TO JULIE AND ROB SAUNDERS
APPLICATION FOR VARIATION AT
33 S. MONROE STREET

The approval of the Zoning Board of Appeals being sought by Applicant conforms to the Village Official Comprehensive Plan and the Official Map. As stated in Section I, Paragraph 9 of this Application, the Subject Property is located in the R-4 District and its uses and development conform to those permitted in that District. In addition, the approval being sought furthers the objectives of the Village's Plan and Zoning Code by continuing the appropriate use of an individual parcel of land in the Village, by maintaining single family homes and accessory structures as the principal land use in the Village, by complying with the bulk and density limitations of the Zoning Code to preserve the existing scale of development in the Village, by reducing an existing nonconforming use, by preserving natural resources and aesthetic amenities, by promoting safety and convenient access to property, and by enhancing the general welfare of the Village.

ATTACHMENT F

TO JULIE AND ROB SAUNDERS
APPLICATION FOR VARIATION AT
33 S. MONROE STREET

Applicant seeks the Board's approval to locate a portion of a rebuilt legal nonconforming detached garage in side and rear yards required by the Zoning Code, as is the case with an existing detached garage and storage shed. Applicant believes that the specific standards for granting the variation sought in the Application are met, as detailed in Attachment "J" (Section II, Paragraph 5) of this Application. The Board has authority to grant the relief sought by Applicant. Applicant proposes to demonstrate to the Board that each of the standards articulated as conditions for approval are satisfied by the facts underlying this Application. To that end, Applicant has conferred with legal counsel, obtained the opinion and recommendations of a qualified arborist, engaged the services of a professional architect who also is a resident of the Village, and has met or will meet with abutting neighbors to describe the Zoning Code relief being sought from the Board and the proposed replacement garage and to obtain their support of this Application.

ATTACHMENT G

TO JULIE AND ROB SAUNDERS
APPLICATION FOR VARIATION AT
33 S. MONROE STREET

Chicago Title Insurance Company

TRUSTEE DEED
ILLINOIS STATUTORY

First American Title
Order # 2223460

THIS INDENTURE made on NOVEMBER 22, 2011 between
THE GRANTOR(S), Jeffrey P. Peace and Caroline Peace, as trustees under the provisions of a declaration of trust known as the Peace Family Trust dated January 5, 2005, of the Village of Hinsdale, County of DuPage, State of Illinois and GRANTEE(S) Robert Saunders and Julie Saunders, Husband and Wife, as Tenants by the entirety,

(GRANTEE'S ADDRESS) 1817 N. Rockwell Street, Chicago, Illinois 60647
of the County of Cook

WINESSETH, that Grantor(s) in consideration of TEN & 00/100 DOLLARS, and other good and valuable consideration in hand paid, does hereby CONVEY(S) and QUITCLAIM(S) unto said Grantee(s) in fee simple all interest in the following described Real Estate situated in the County of DuPage in the State of Illinois, to wit:

LOT 40 AND THE NORTH HALF OF LOT 39 IN INTERNATIONAL BANK SUBDIVISION, BEING A RESUBDIVISION OF BLOCK 1 IN STOUGH'S SECOND ADDITION TO HINSDALE, BEING A SUBDIVISION IN THE EAST HALF OF SECTION 11, TOWNSHIP 38 NORTH, RANGE 11, EAST OF THE THIRD PRINCIPAL MERIDIAN, ACCORDING TO THE PLAT OF SAID INTERNATIONAL BANK SUBDIVISION RECORDED OCTOBER 28, 1882, AS DOCUMENT 31034, IN DUPAGE COUNTY, ILLINOIS.

SUBJECT TO: general real estate taxes not due and payable at the time of Closing; covenants, conditions and restrictions of record; and building lines and easements, if any, provided they do not interfere with the current use and enjoyment of the Real Estate.

hereby releasing and waiving all rights under and by virtue of the Homestead Exemption Laws of the State of Illinois.

Permanent Real Estate Index Number(s): 09-11-206-010-0000, 09-11-206-026-0000
Address(es) of Real Estate: 33 South Monroe Street, Hinsdale, Illinois 60521

Dated this 11 day of November, 2011

Jeffrey P. Peace, Trustee (SEAL)
Jeffrey P. Peace as trustee of
the Peace Family Trust dated January 5, 2005

Caroline Peace, Trustee (SEAL)
Caroline Peace as co-trustee of
the Peace Family Trust dated January 5, 2005

STATE OF ILLINOIS, COUNTY OF DuPage ss.

I, the undersigned, a Notary Public in and for said County, in the State aforesaid, CERTIFY THAT Jeffrey P. Peace and Caroline Peace,
personally known to me to be the same person(s) whose name(s) are subscribed to the foregoing instrument, appeared before me this day in person, and acknowledged that they signed, sealed and delivered the said instrument as their free and voluntary act, for the uses and purposes therein set forth, including the release and waiver of the right of homestead.

Given under my hand and official seal, this 11 day of November, 2011

OFFICIAL SEAL
LYNN M GRAHAM
NOTARY PUBLIC - STATE OF ILLINOIS
MY COMMISSION EXPIRES:08/27/14

(Notary Public)

Prepared By: Paul B. Garver
35 S. Garfield
Hinsdale, Illinois 60521

Mail To:
Joe & Seifert
100 S. York Rd. #200
Elmhurst IL 60126

Name & Address of Taxpayer:
Robert Saunders and Julie Saunders
33 South Monroe Street
Hinsdale, Illinois 60521

ATTACHMENT H

TO JULIE AND ROB SAUNDERS
APPLICATION FOR VARIATION AT
33 S. MONROE STREET

Applicant's existing detached garage was constructed in 1931, and is therefore treated as a "precode structure" in the Zoning Code. (It is unknown when the storage shed accompanying the garage was built, but its location complies with the Code, so its date of construction is not relevant.) The existing detached garage/storage shed is located a distance of 95.2 ft. from the front lot line of the Subject Property. (Please see survey attached as Attachment "C" for relative location on the Subject Property.) Applicant's property is an interior lot with a depth of 125.00 ft. Therefore, the existing detached garage/storage shed is not completely located within the rear 20% of the Subject Property. (The westerly wall of the detached garage closest to the front lot line is located in the rear 23.8% of the lot and exceeds the 20% line by 4.9 ft.) The Code requires that a detached garage accessory structure not completely located in the rear 20% of the Subject Property maintain a minimum side yard of 8.5 ft. and a rear yard of 25 ft. (Because of the location of the existing detached garage, it is not eligible for the exception contained in Footnote 9 of Sec. 3-110D.2. that enables detached garages to be located 2 ft. from side and rear lot lines.)

Applicant's existing detached garage/storage shed accessory structure is located at a distance of 4.56 ft. (northeast corner) and 4.90 ft. (northwest corner) from the northerly side lot line, and 9.49 ft. (northeast corner) and 9.22 ft. (southeast corner) from the rear lot line, and therefore does not comply with the side and year yard setback requirements of the Code. However, due to the year in which it was built, the existing detached garage is a "legal nonconforming precode structure" under the Code, and may be "maintained, altered, enlarged, rebuilt, restored, and repaired so long as it remains otherwise lawful." (Sec. 10-104A.)

The existing detached garage/storage shed is in a state of disrepair and dilapidation. As an 85-year old wooden structure, doors and hardware must be replaced, wood is rotting throughout, and the roof and roof joists must be replaced. Additionally, the existing garage/shed is not fireproofed. Applicant desires to enlarge, rebuild and restore it, including the addition of fireproofing, in a manner that protects existing significant trees on both sides of the existing structure and provides safe and reasonable access and egress to the abutting alley serving the Subject Property. To accomplish those objectives, Applicant proposes to locate the northerly wall of the rebuilt structure at 5.0 ft. from the northerly interior side lot line (I.e., exceeding the distance of the current structure from that lot line and thereby reducing its nonconformity), and to horizontally extend the depth of the current structure 0.85 ft. toward the front lot line and 0.85 ft. toward the rear lot line along the proposed 5.0-ft. setback from the northerly lot line.

The Code permits side yard horizontal extensions of a precode legal nonconforming structure in connection with an enlargement, reconstruction and restoration of the structure. However, such horizontal extensions must be located a minimum of 6 ft. from the side lot line. (Sec. 10-

104B.3.) This 6 ft. setback requirement is the same in the case of "involuntary" damage or destruction of a precode structure. [Sec. 10-104C.2.(c)] However, depending upon whether Applicant's proposed reconstruction of the existing garage/shed structure is considered a "voluntary demolition," the side yard setback requirement for the proposed detached garage would be 8.5 ft. [Sec. 10-104C.1. and Sec. 3-110D.2.(b)(i)]

The Code does not provide a means of extending Applicant's legal nonconforming detached garage farther into the required 25-ft. rear yard of the Subject Property, due to the circumstance that it is not completely located in the rear 20% of the lot.

Thus, the nature of the relief sought is a waiver of the strict application of Sec. 10-104B.3., Sec. 10-104C.2.(c) and/or Sec. 10-104C.1., Sec. 3-110D.2.(b)(i) and Sec. 3-110D.3.(b), and a reduction of the side yard requirement for the proposed detached garage structure from either 6 ft. or 8.5 ft. (whichever is applicable) to 5.0 ft. (which reduces the amount of the side yard nonconformity of the existing precode structure), and a reduction of the rear yard setback requirement from 25 ft. to 8.7 ft. (8'-8").

ATTACHMENT I

TO JULIE AND ROB SAUNDERS
APPLICATION FOR VARIATION AT
33 S. MONROE STREET

The existing precode legal nonconforming detached garage/storage shed encroaches across the line delineating the rear 20% of the Subject Property by 4.9 ft. (Applicant's lot is 125 ft. in depth. The rear 20% begins 100 ft. from the front lot line and 25 ft. from the rear lot line that borders the alley.) The existing structure is located a distance ranging between 9.49 ft. and 9.22 ft. from the rear lot line of Applicant's property. The proposed rebuilt structure is designed with a depth of 22 ft. (Please see Attachment K.) Therefore, theoretically it could be located completely within the rear 20% of the lot, and 2 ft. from both the rear and northerly side lot lines, and no relief from the requirements of the Code would then be necessary. However, locating the rebuilt structure in that manner would do violence to stated objectives of the Village's Comprehensive Plan and the Code by endangering significant trees and creating unsafe access and egress to the detached garage from the abutting narrow and well-traveled alley.

Or, Applicant could seek the Board's approval of a variation of 4.9 ft. from the Footnote 9 exception to Sec. 3-110D.2. to permit the reconstructed detached garage to occupy the rear 23.8% with reduced side and rear yard minimum distances of 2 ft. A variance of that nature (to 22% of the rear portion of the lot to avoid conflict with a tree) was granted by this Board in Zoning Variation Case No. V-04-15. Applicant does not seek relief of this nature as it would permit a future owner of the Subject Premises to relocate or expand a detached garage to within 2 ft. of the northerly lot line and place a significant tree in jeopardy, and within 2 ft. of the alley and endangering a telephone pole and the safety of neighbors and others using the alley.

ATTACHMENT J

TO JULIE AND ROB SAUNDERS
APPLICATION FOR VARIATION AT
33 S. MONROE STREET

Summarized, the unique characteristics of the Subject Property and existing detached garage (and accompanying storage shed) that in combination prevent strict compliance with all of the provisions of the Zoning Ordinance are as follows:

- The age and physical condition of the legal nonconforming garage/shed.
- The location of the existing garage/shed.
- The location of significant trees immediately to the south and to the north of the existing garage/shed and the proposed reconstructed garage.
- The narrow public alley, including the nearby obstruction of a telephone pole.

(a) Unique Physical Condition.

An 85-year old garage in its original location that has outlived its useful lifespan is atypical of the community and specifically of the immediate neighborhood in which a significant amount of new construction has occurred. The repair of the existing legally noncompliant and deteriorating structure in place (which would be permitted by the Code) is not a viable option, nor would it serve the objectives of the Village's Plan and Code. The structures at issue have no historical, aesthetic or practical value in their present state, and the community as a whole, and the immediate neighborhood, would benefit from a new structure.

Moreover, the narrow 9-ft. of improved alley serving the Subject Property provides an inadequate turning radius and sight line for safety if the detached garage were located closer to the alley. The public alley serves multiple households, many of which also maintain parking pads abutting and even encroaching into the right-of-way. A nearby telephone pole also complicates vehicular navigation to and from Applicant's garage which can only be remedied by maintaining a greater distance between the alley and Applicant's garage, thereby forcing the garage to occupy greater than the rear 20% of the Subject Property in order to accommodate the parking of automobiles. These are not physical conditions typically existing in the community and should be regarded as exceptional. (Copies of photographs of the alley and of the immediate area of Applicants current detached garage accompany this Attachment.)

Finally, in addition, the location of the existing and proposed structures is flanked by significant trees. As confirmed by Applicant's ISA Certified Arborist, a requirement that the replacement garage structure be moved in a southerly direction to conform to an 8.5 ft. side yard setback standard would endanger at least one and perhaps two significant fir trees whose lifespans exceed those of most residents of the Village.

All of the foregoing physical conditions, atypical of the community in themselves, and unique in their combination, arise out of the Subject Property, and not out of the personal situation of Applicant. Those conditions would affect any owner of the Subject Property.

(b) Not Self Created.

None of the foregoing unique physical conditions were created by action or inaction of Applicant/Owner. They existed at the time Applicant purchased the Subject Property in 2011. They were not fully known to Applicant at the time of purchase, and they were not created by government action without compensation, other than the enactment of the Code subsequent to the construction of the existing detached garage.

(c) Denied Substantial Rights.

Owners of other lots in the Village are permitted to fully utilize detached garages that do not strictly conform to the requirements of the Code. Variations in the Code have been granted by the Board to enable such utilization by other residents of otherwise nonconforming detached garages. Upon observation, Applicant believes that other nonconforming detached garages and parking pads are maintained by residents in the immediate neighborhood of the Subject Property serviced by the common alley that also services Applicant's property. Denial of the relief sought in this Application would prevent Applicant from the full benefit of rights enjoyed by other residents of the Village.

(d) Not Merely Special Privilege.

Applicant seeks no special privilege, but merely seeks approval to utilize their property in the same manner as other residents of the Village, and to construct improvements that are consistent with the objectives of the Plan and Code. Applicant is not pursuing rights not available to other residents or seeking to personally profit from the relief from a strict application of the Zoning Code requested in this Application.

(e) Code and Plan Purposes.

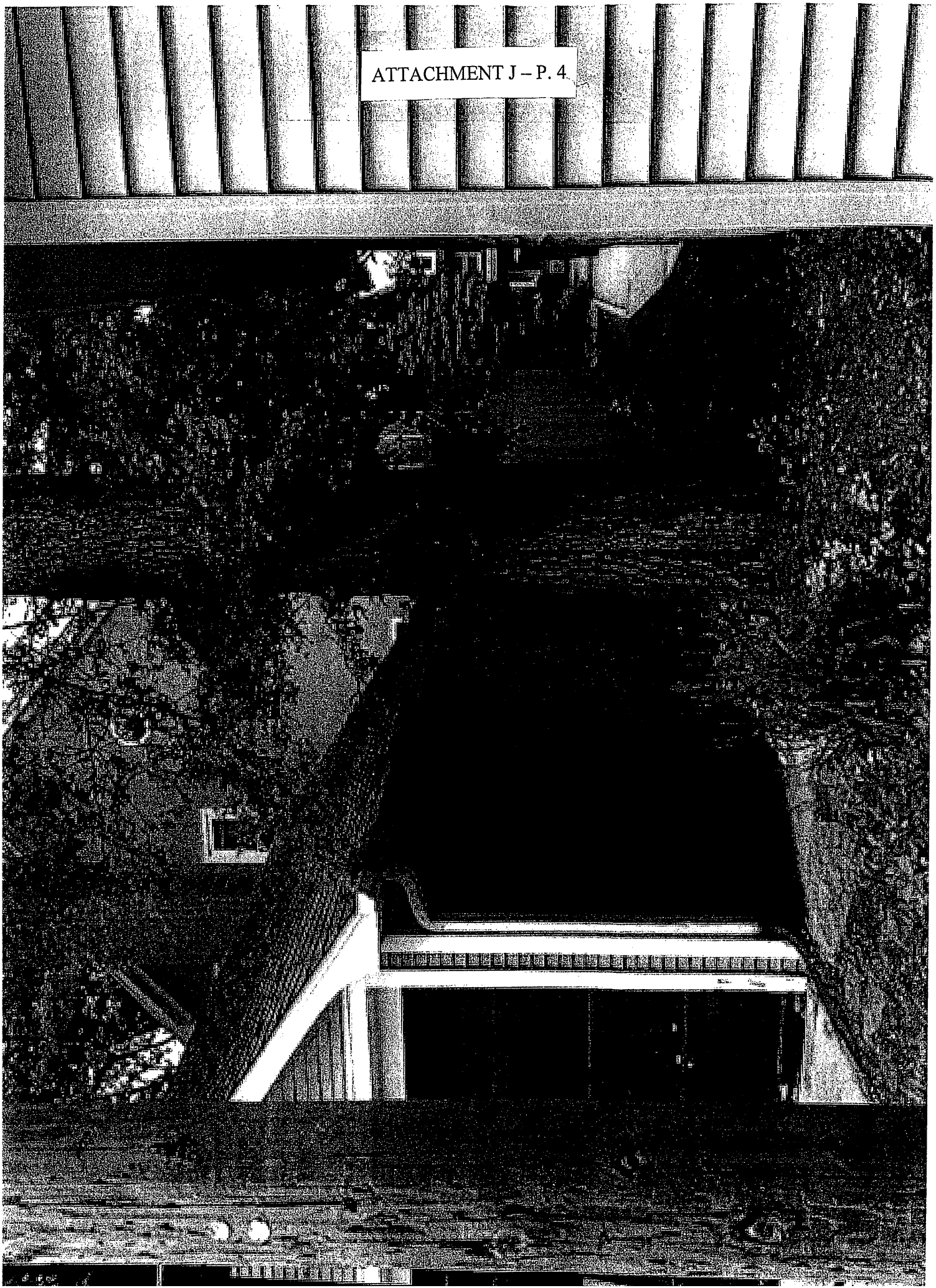
As detailed elsewhere in this Application, it is respectfully submitted that Code and Plan purposes are best served by the Board's approval of the Code variances sought by Applicants, including the slight reduction of an existing side yard nonconformity. Applicant asserts that a denial of the approval sought in the Application may well be adverse to certain of the stated objectives of the Plan and Code.

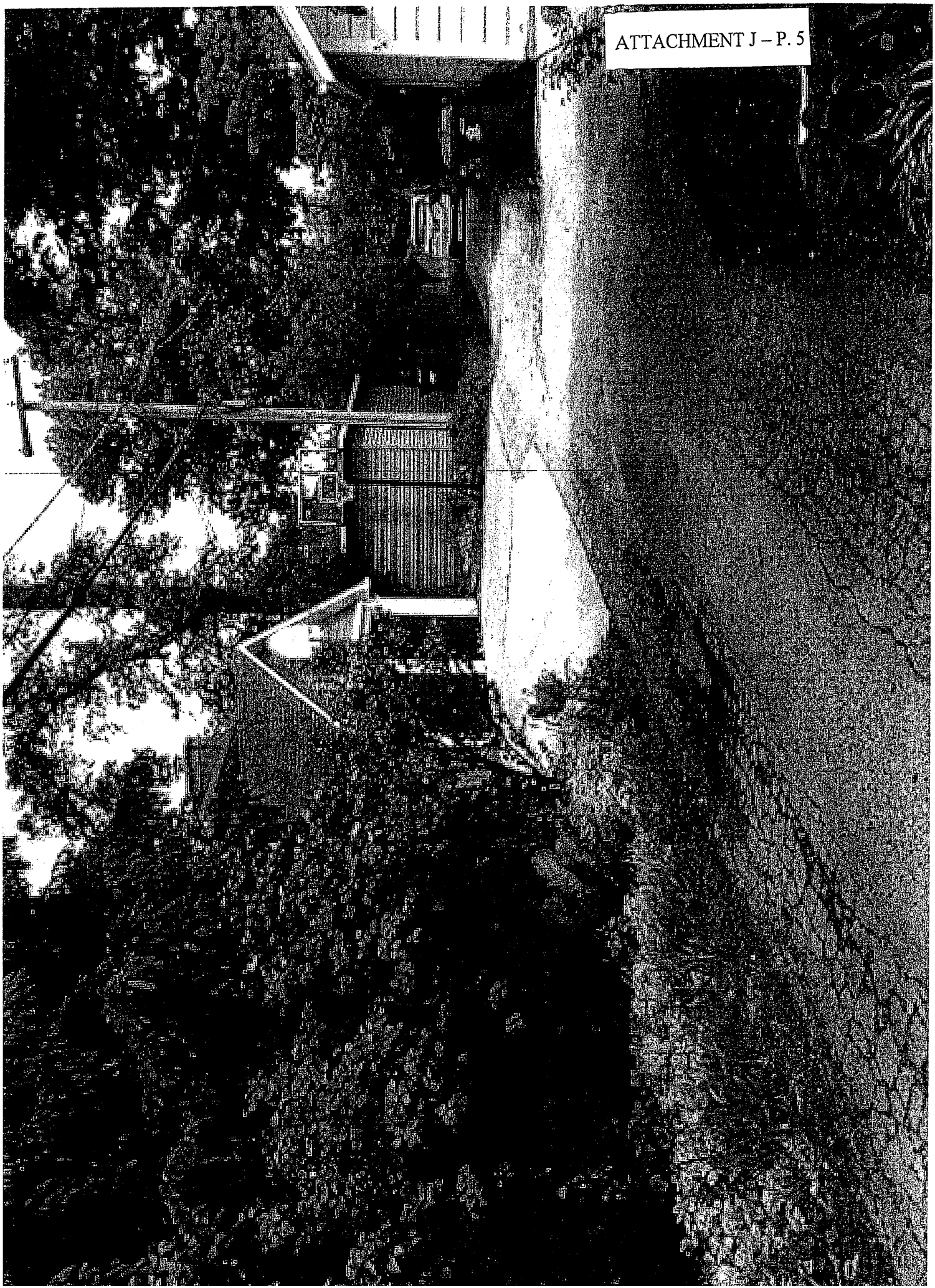
(f) Essential Character of the Area.

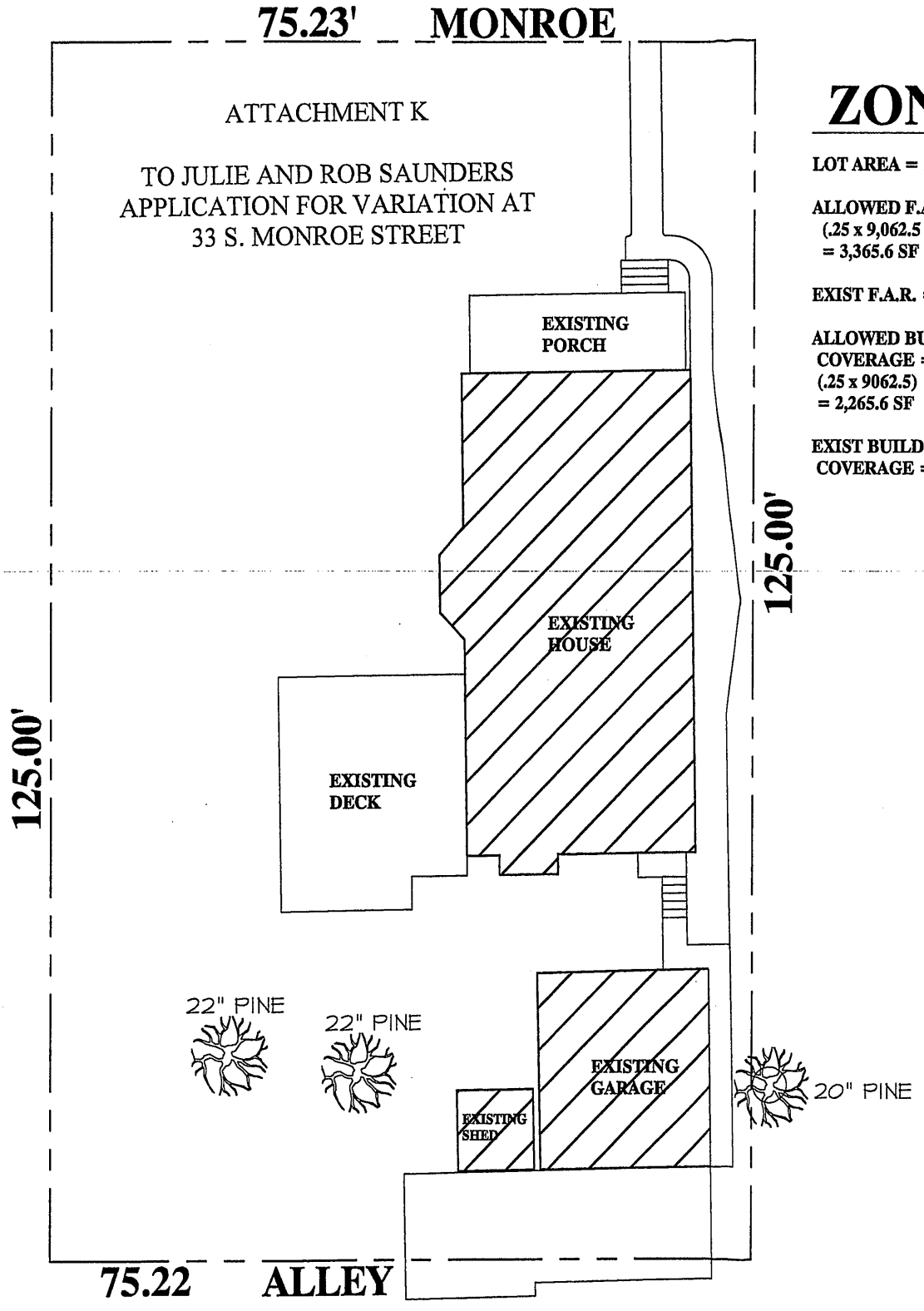
Grant of the requested variance would have none of the consequences enumerated in subparagraphs (1) through (6) of this subsection.

(g) No Other Remedy.

For all of the reasons stated elsewhere in this Application, only by the grant of the requested variation would Applicant be permitted a reasonable use of the Subject Property without adverse consequences both to Applicant and to the Village and to Applicant's neighbors.







ZONE R-4

LOT AREA = 9,062.5 SF

ALLOWED F.A.R. =
(.25 x 9,062.5 + 1,100)
= 3,365.6 SF

EXIST F.A.R. = 2,416 SF

ALLOWED BUILDING COVERAGE =
(.25 x 9062.5)
= 2,265.6 SF

EXIST BUILDING COVERAGE = 1,427 SF

N

EXISTING SITE PLAN

1/16" = 1'-0"

DATE: 12-17-2012

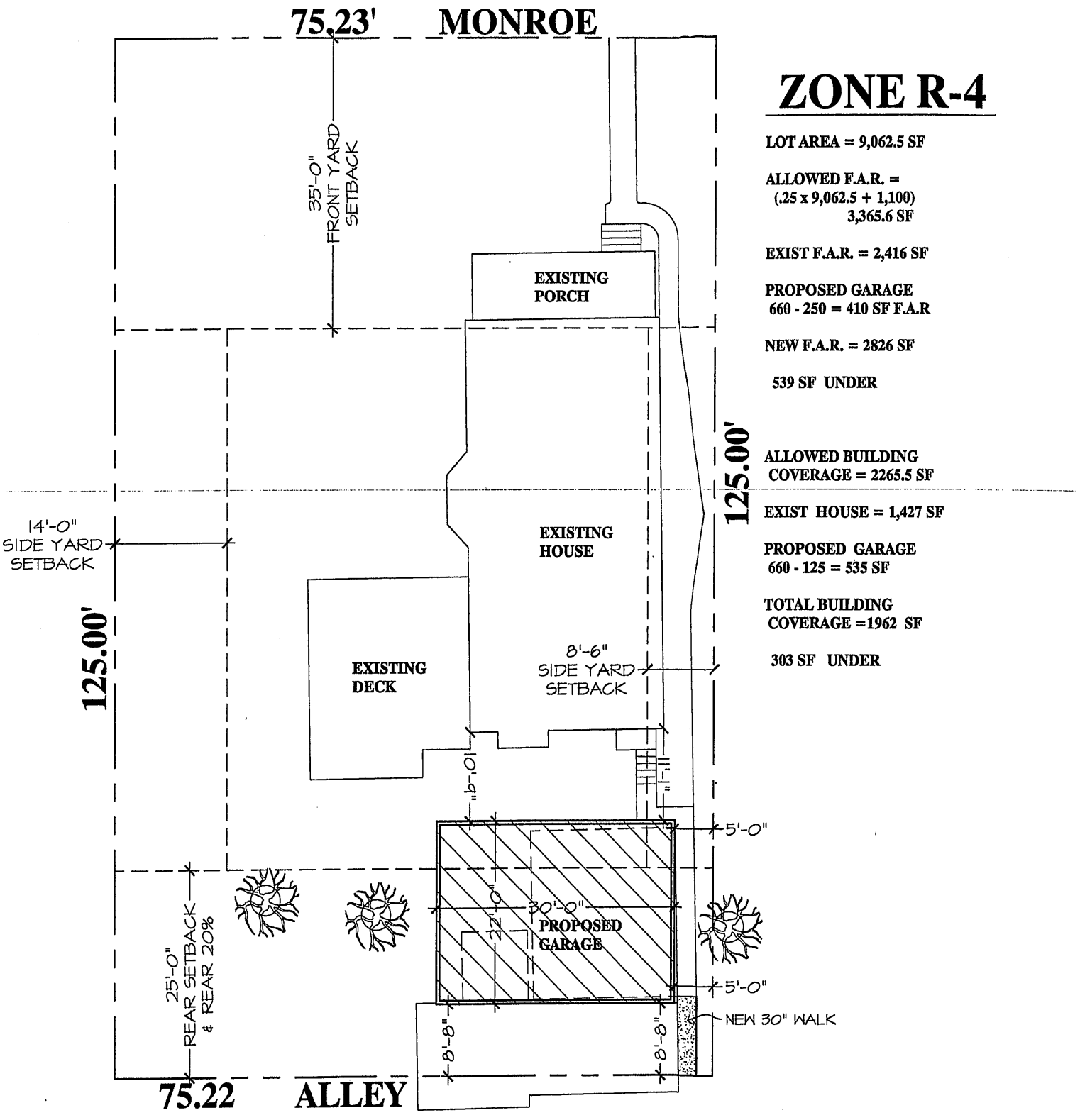
A NEW GARAGE FOR:

Robert & Julie SAUNDERS

33 MONROE STREET
HINSDALE, ILLINOIS

PARSONS
ARCHITECTS, LLC

28 SPRINGLAKE AVENUE
HINSDALE, IL 60521
PHONE: 630.325.8135



ZONE R-4

LOT AREA = 9,062.5 SF

ALLOWED F.A.R. =
(.25 x 9,062.5 + 1,100)
3,365.6 SF

EXIST F.A.R. = 2,416 SF

PROPOSED GARAGE
660 - 250 = 410 SF F.A.R

NEW F.A.R. = 2826 SF

539 SF UNDER

ALLOWED BUILDING COVERAGE = 2265.5 SF

EXIST HOUSE = 1,427 SF

PROPOSED GARAGE
660 - 125 = 535 SF

TOTAL BUILDING COVERAGE =1962 SF

303 SF UNDER

N

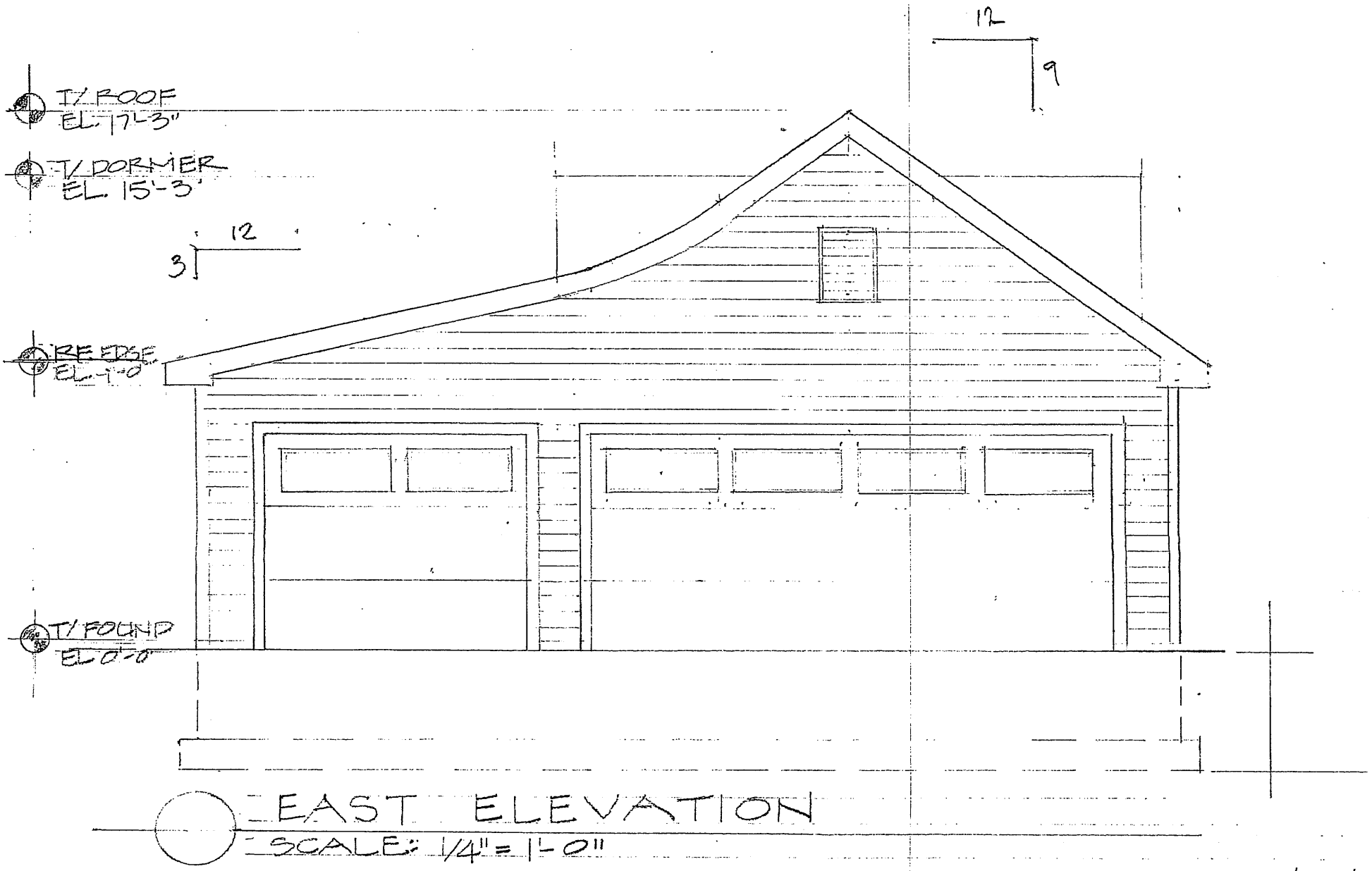
PROPOSED SITE PLAN

1/16" = 1'-0"

DATE: 12-17-2012

A NEW GARAGE FOR:
Robert & Julie SAUNDERS
33 MONROE STREET
HINSDALE, ILLINOIS

PARSONS ARCHITECTS, LLC
28 SPRINGLAKE AVENUE
HINSDALE, IL 60521
PHONE: 630.325.8135



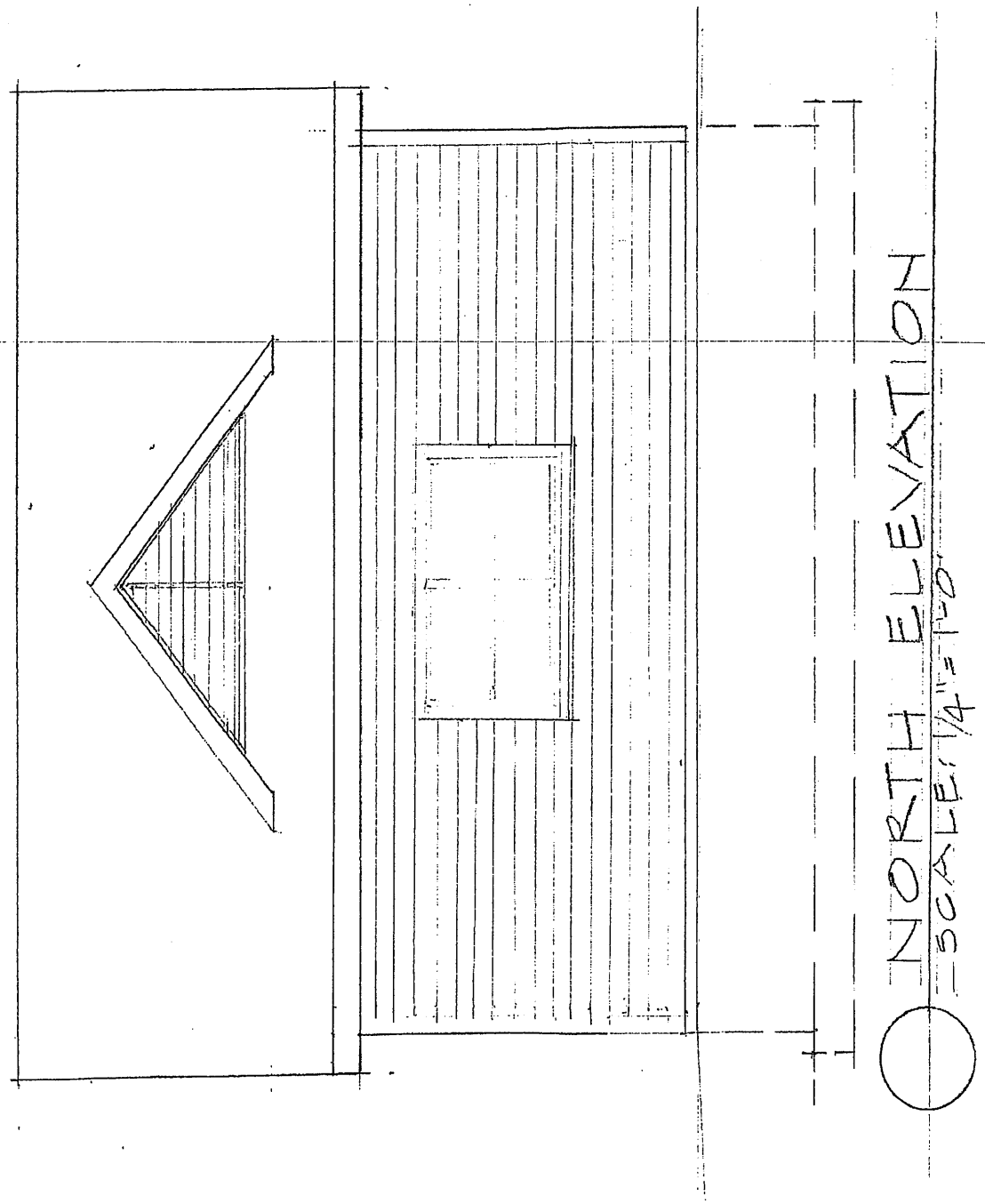
EAST ELEVATION

SCALE: 1/4" = 1'-0"

ATTACHMENT K – P. 3

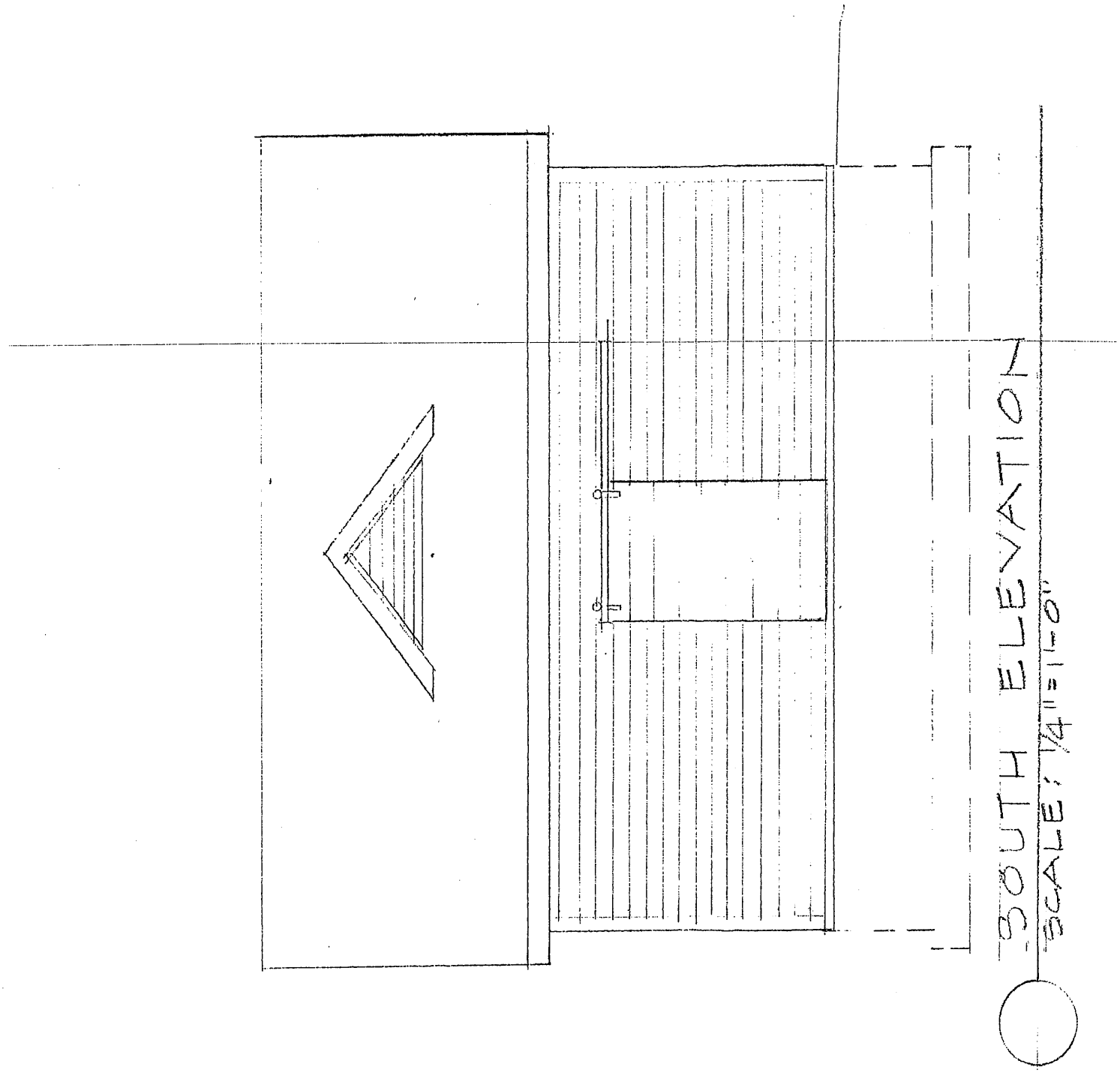
1/21/16

1/21/10

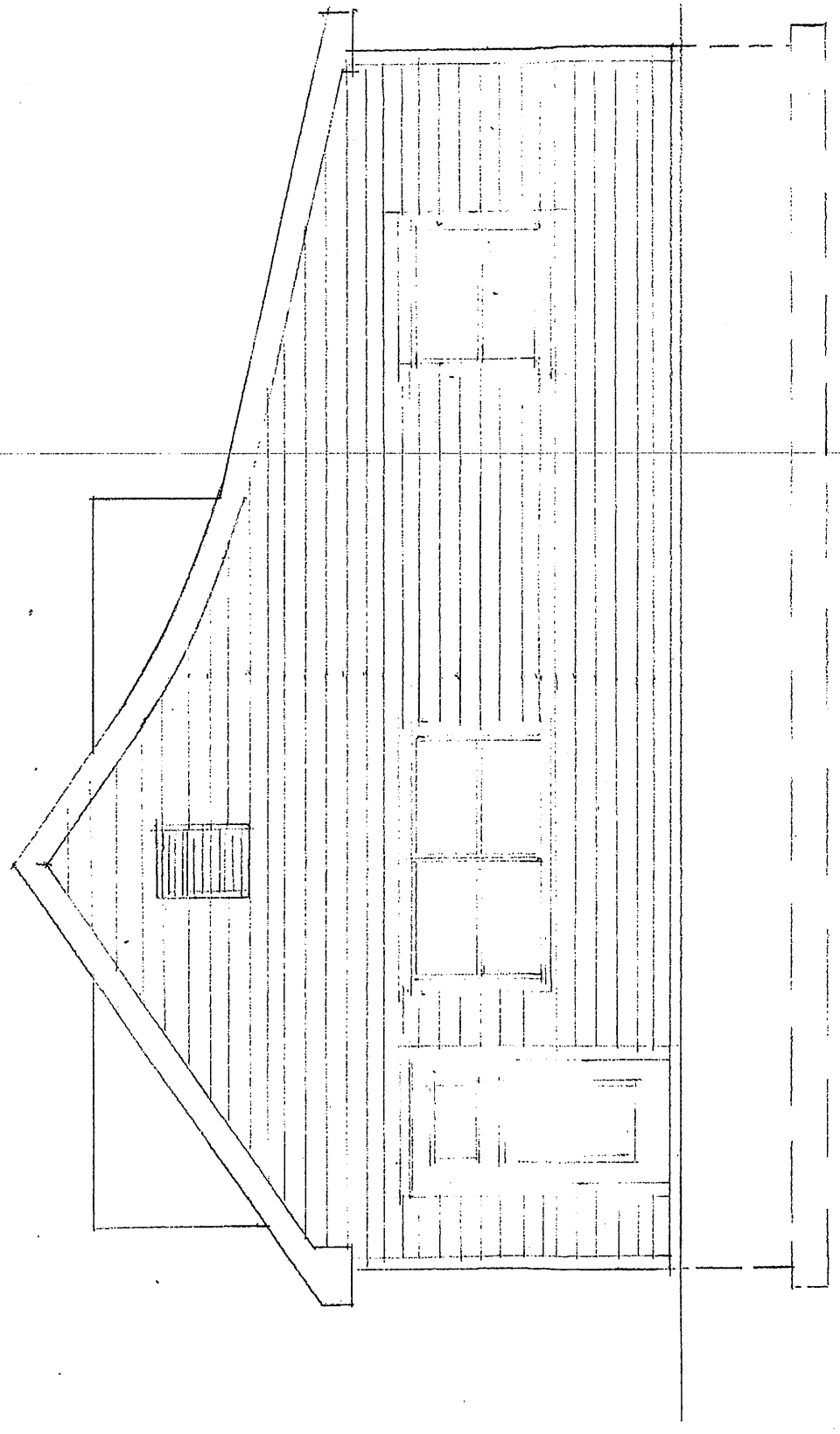


NORTH ELEVATION
SCALE: 1/4"=1'-0"

1/21/16

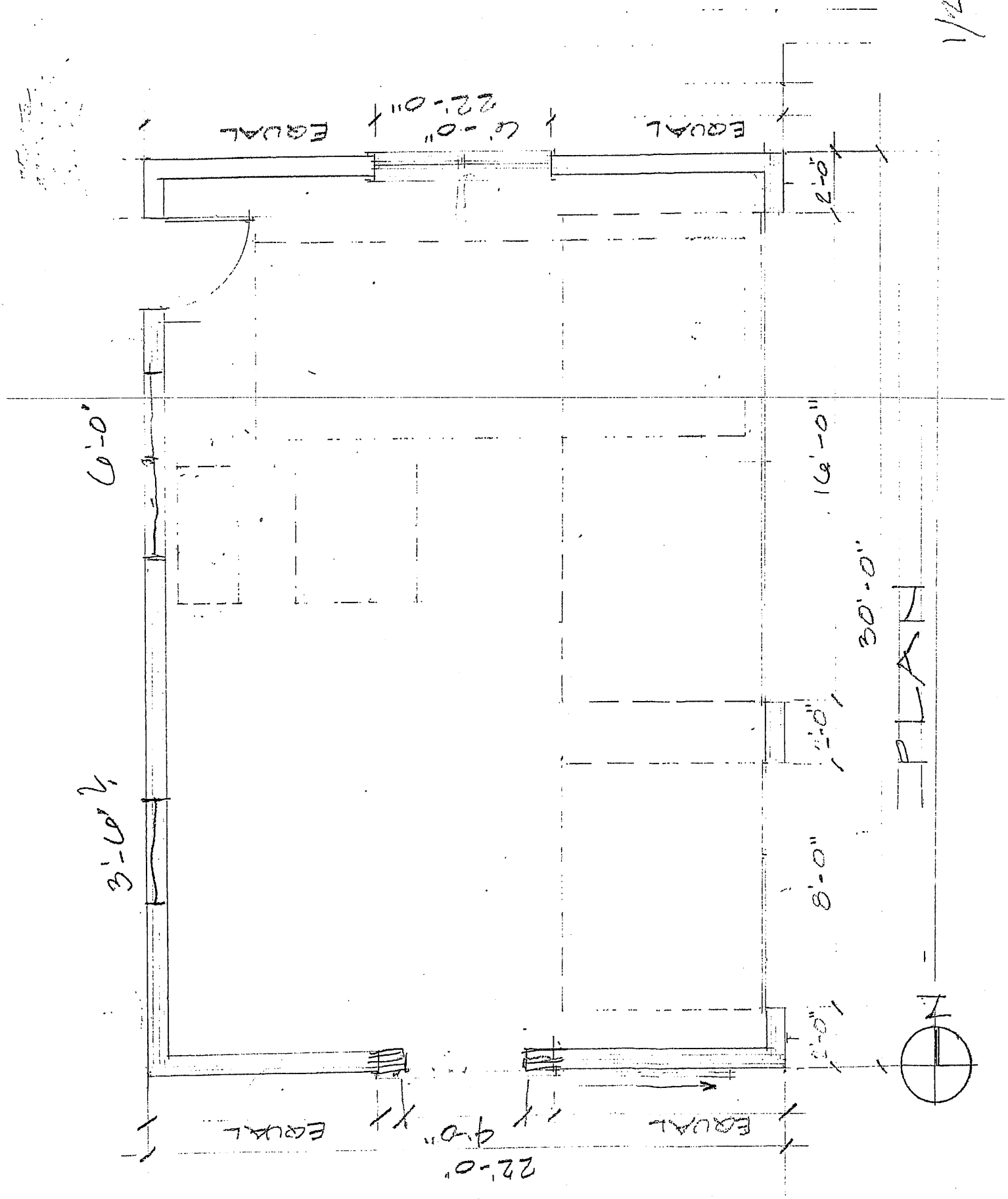


1/21/14



WEST ELEVATION

SCALE: 1/4" = 1'-0"


1/24/16
EQUAL
22'-0"
6'-0"
EQUAL
2'-0"
60'-0"
16'-0"
30'-0"
PLAN
12'-0"
6'-0"
2'-0"
3'-0"
EQUAL
4'-0"
EQUAL
22'-0"